



## An Act respecting certain Dams on Black Creek.

**W**HEREAS Hugo B. Rathbun and Edward W. Rathbun Preamble.

have by their petition represented that they are the owners of lot number sixteen in the first concession of the Township of Elziver, in the County of Hastings, except the  
5 east forty acres thereof; also lot number twenty-eight in the third concession of the said township; also lot number thirty-one in the third concession of the Township of Grimsthorpe, in the said County; and also lots numbers fifteen and sixteen in the fifth concession of the said last-mentioned township:

10 That for the purpose of floating logs and timber down Black Creek and its branches (which pass over the said lands) to their mills on the Bay of Quinte from their limits and lands in Ontario, they, the said Hugo B. Rathbun and Edward W. Rathbun, have been obliged to erect and maintain upon their said  
15 lands, in the said streams, certain dams, which have facilitated and do facilitate their getting logs down the said streams, saving great expense, and also making said streams navigable for logs and timber which they otherwise would not be to so great an extent; and whereas the said Hugo B. Rathbun and  
20 Edward W. Rathbun have in and by their said petition prayed that they may be authorized to keep and maintain the said dams for the purposes aforesaid; and whereas it would be for the public interest, and is therefore expedient to grant the prayer of the said petition:

25 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. That the said Hugo B. Rathbun and Edward W. Rathbun, Certain persons may construct dams.  
their heirs and assigns, the owners of the said lots respectively  
30 above mentioned, that is to say of lot number sixteen in the first concession of the township of Elziver, except the east forty acres thereof; lot number twenty-eight in the third concession of the said township; lot number thirty-one in the third concession of the Township of Grimsthorpe; and lots  
35 numbers fifteen and sixteen in the fifth concession of said last-mentioned township, shall have the right to keep and maintain the said dams on the said lots respectively, situate across the said streams, for the purpose of raising and keeping up the waters of the said streams: Provided always that each  
40 of the said dams respectively shall be provided with a slide and the appliances now required by law in the case of mill dams on streams used for the purpose of floating down logs and timber.

2. That for all lands flooded by reason of the said dams, and Compensation  
45 which have been patented or agreed to be sold by the Crown,

the said Hugo B. Rathbun and Edward W. Rathbun, or their assigns, shall to the owners thereof make compensation for the injury done to said lands, if any, such compensation to be ascertained as hereinafter provided; but in cases where the patents hereafter to be issued provide that no compensation shall be made to purchasers, the patentee shall have no claim on said parties owning said dams, or any of them, their heirs or assigns. 5

Crown Lands. 3. That with respect to lands now vested in the Crown and unsold, the said Hugo B. Rathbun and Edward W. Rathbun, 10 their heirs and assigns, shall not be liable to any purchaser of said lands for any damage caused by said dams, or any of them, while maintained at a height not exceeding the present height of said dams respectively.

Arbitration. 4. That with respect to the lands mentioned in the second 15 section of this Act, the compensation to be made for the lands flooded and injured may be agreed upon between the said Hugo B. Rathbun and Edward W. Rathbun, their heirs or assigns, and the respective owners of the lands so injured, in such manner and on such terms as the parties may agree upon; and in case of disagreement, then the proceedings to ascertain 20 and fix said compensation shall be the same as are pointed out and provided in sections eighteen, nineteen and twenty of chapter forty-nine of the Consolidated Statutes for Upper Canada.

Notice of arbitration. 5. That in any notice of arbitration to be given under the 25 next preceding clause, there shall be inserted a description of the land affected and the damage to be arbitrated for and upon, and the said notice shall also name a sum which shall be offered as compensation for the said damages; and if the sum awarded is equal to or less than the sum offered, the said owner shall 30 pay all the costs of the arbitration and award, and the same may be deducted from the amount of the award, and if the award is not sufficient to pay the same, the balance may be recovered by suits by the other party to said award.

Award to be final. 6. That the said award shall be a complete bar to all further 35 claims because of the said dams, or any of them, in respect of the flooding by which such arbitration shall have been had, and for all damages occasioned thereby, provided and while the same are maintained at no greater height than the same was at the time of the making of the said award. 40

Registration of award. 7. That the said Hugo B. Rathbun and Edward W. Rathbun, or their assigns, may register any such award in the office of the Registrar for said County, and the production of a certified copy of the said award shall in all courts and places be taken as *prima facie* evidence of the said award and of the facts 45 stated therein.

Commissioner of Public Works. 8. Provided always that any of the powers or rights conveyed in this Act shall be subject to, and shall not interfere with the powers vested in the Commissioner of Public Works, under the thirty-third section of the Act passed in the thirty- 50 second year of the reign of Her Majesty, chaptered twenty-eight, and intituled "An Act respecting the Public Works of Ontario."



Third Session, Third Parliament, 41 Vic. 1878.

BILL.

An Act respecting certain Dams on Black  
Creek.

First Reading,	1878.
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(*PRIVATE BILL*)

TORONTO:  
PRINTED BY HUNTER, ROSE & Co.



## An Act respecting certain Dams on Black Creek.

WHEREAS Hugo B. Rathbun and Edward W. Rathbun Preamble.

have by their petition represented that they are the owners of lot number sixteen in the first concession of the Township of Elziver, in the County of Hastings, except the 5 east forty acres thereof; *and that they are also the owners of* lot number twenty-eight in the third concession of the said township; *of* lot number thirty-one in the third concession of the Township of Grimsthorpe, in the said County; and *of* 10 lots numbers fifteen and sixteen in the fifth concession of the said last mentioned Township: that for the purpose of floating logs and timber down Black Creek and its branches (which pass over the said lands) to their mills on the Bay of Quinte from their limits and lands in Ontario, they, the said Hugo B. Rathbun and Edward W. Rathbun, have 15 been obliged to erect and maintain upon their said lands, in the said streams, certain dams, which have facilitated and do facilitate their getting logs down the said streams, saving great expense, and also making said streams navigable for logs and timber which they otherwise would not be to so 20 great an extent; and whereas the said Hugo B. Rathbun and Edward W. Rathbun have in and by their said petition prayed that they may be authorized to keep and maintain the said dams for the purposes aforesaid; and whereas it is *expedient* to grant the prayer of the said petition:

25 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said Hugo B. Rathbun and Edward W. Rathbun, Certain persons may construct dams.  
30 their heirs and assigns, the owners of the said lots respectively above mentioned, that is to say of lot number sixteen in the first concession of the township of Elziver, except the east forty acres thereof; lot number twenty-eight in the third concession of the said township; lot number thirty-one in the third concession of the Township of Grimsthorpe; and lots 35 numbers fifteen and sixteen in the fifth concession of said last-mentioned township, shall have the right to keep and maintain the said dams *situate* on the said lots respectively, *and* across the said streams, for the purpose of raising and keeping up the waters of the said streams: Provided always that each 40 of the said dams respectively shall be provided with a slide and the appliances now required by law in the case of mill dams on streams used for the purpose of floating down logs and timber, *and provided moreover, that none of said dams shall be so maintained or kept at any greater height or to any greater* 45 *extent than the same is at present.*

**Compensation.** 2. For all lands flooded by reason of the said dams, and which have been patented or agreed to be sold by the Crown, the said Hugo B. Rathbun and Edward W. Rathbun, *their heirs or their assigns,* shall to the owners, *tenants and lawful occupiers* thereof make compensation for the injury *if any* done to said lands, 5 such compensation to be ascertained as hereinafter provided; but in cases where the patents hereafter to be issued *by the Crown* provide that no compensation shall be made *for such injury*, the patentee shall have no claim on said parties owning said dams, or any of them, their heirs or assigns. 10

**Crown Lands.** 3. With respect to lands now vested in the Crown and unsold, the said Hugo B. Rathbun and Edward W. Rathbun, their heirs and assigns, shall not be liable to any purchaser of said lands for any damage caused by said dams, or any of them, while maintained at a height not exceeding the present height 15 of said dams respectively.

**Arbitration.** 4. With respect to the lands mentioned in the second section of this Act, the compensation to be made for the *injury in said section mentioned* may be agreed upon between the said Hugo B. Rathbun and Edward W. Rathbun, their heirs 20 or assigns, and the respective owners, *tenants or lawful occupiers* of the lands so injured, in such manner and on such terms as the parties may agree upon; and in case of disagreement, then the proceedings to ascertain and fix said compensation shall be the same as are pointed out and provided in sections *seventeen, eighteen, nineteen, twenty, and twenty-one of chapter one hundred and fifty two of the Revised Statutes of Ontario.* 25

**Notice of arbitration.** 5. In any notice of arbitration to be given under the next preceding clause, there shall be inserted a description of 30 the land affected and the damage to be arbitrated for and upon, and the said notice shall also name a sum which shall be offered as compensation for the said damages; and if the sum awarded is equal to or less than the sum offered, the said owner shall pay all the costs of the arbitration and award, and the same 35 may be deducted from the amount of the award, and if the award is not sufficient to pay the same, the balance may be recovered by suit by the other party to said award, *but if the sum offered be less than the amount awarded the said Hugo B. Rathbun and Edward W. Rathbun, their heirs or assigns arbitrating,* shall pay all costs attendant on the arbitration and award 40 and the arbitrators may award accordingly.

**Award to be final.** 6. The said award shall be a complete bar to all further claims because of the said dams, or any of them, *or because of the flooding in respect of which such arbitration shall have* 45 *been had, and for all damages occasioned thereby, so long as and while the same are maintained at no greater height than the same was at the time of the making of the said award.*

**Registration of award.** 7. The said Hugo B. Rathbun and Edward W. Rathbun, *their heirs or assigns,* may register any such award in the office 50 of the Registrar for the County of Hastings, and the production of a certified copy of the said award *under the hand and seal of office of the Registrar* shall in all courts and places be taken as *prima facie* evidence of the said award *in the same manner*



*and to the same effect as if the original thereof, in his office was produced.*

8. Provided always that any of the powers or rights con-  
*ferred by this Act shall be subject to, and shall not interfere* Commissioner  
of Public  
5 *with the powers vested in the Commissioner of Public Works,*  
*under the fifty-fourth and fifty-fifth sections of chapter thirty of*  
*the Revised Statutes of Ontario.*

No. 1.

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Third Session, Third Parliament, 41 Vic., 1878.

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BILL.

An Act respecting certain Dams on Black  
Creek.

*(Reprinted as Amended.)*

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First Reading, 25th January, 1878.

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*(PRIVATE BILL.)*

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TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act to amend the Acts relating to the Victoria  
Railway Company.

**W**HEREAS the Victoria Railway Company have issued Preamble.  
Debentures at the rate of twelve thousand dollars for  
each mile of their line of Railway between the Town of Lind-  
say and the Village of Haliburton, and they consider it to their  
5 advantage to reduce the issue of Debentures already made and  
to limit their powers of issuing Debentures for the future to  
six thousand dollars per mile :

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
10 as follows :—

**1.** From and after the passing of this Act the power of the said <sup>L. miting issue</sup>  
Company to issue any further Debentures shall be limited to <sup>of Debentures.</sup>  
six thousand dollars per mile, whether such further issue shall  
be made in lieu of any of the Debentures already issued or  
15 otherwise.

BILL.

An Act to amend the Acts relating to the  
Victoria Railway Company.

First Reading,	1878.
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(*PRIVATE BILL*)

Hon. Mr. CAMERON.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the Acts relating to the Victoria  
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**W**HEREAS the Victoria Railway Company have issued Preamble  
Debentures at the rate of twelve thousand dollars for  
each mile of their line of Railway between the Town of Lind-  
say and the Village of Haliburton, and they consider it to their  
5 advantage *that the Company should have power to reduce the*  
issue of Debentures already made and to limit their powers of  
issuing Debentures for the future to six thousand dollars per  
mile:

Therefore Her Majesty, by and with the advice and consent  
10 of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. From and after the passing of this Act *the Victoria Railway* Limiting issue  
of Debentures.  
*Company shall have power by a resolution passed at a special*  
*meeting of Shareholders called for the purpose to limit the issue*  
15 *of any further Debentures to six thousand dollars per mile,*  
*whether such further issue shall be made in lieu of any of the*  
*Debentures already issued or otherwise, so that after the passage*  
*of such resolution the whole issue shall not exceed six thousand*  
*dollars per mile; Provided however that if the said Company*  
20 *once exercise the said option by passing such resolution, such*  
*resolution shall be irrevocable and the issue of bonds provided*  
*for thereby cannot be altered or disturbed by any subsequent*  
*action of the said Directors or of the said Company.*

2. The Company shall have power in such resolution to fix Rate of in-  
terest.  
25 *the rate of interest to be paid on such Debentures at a rate not*  
*exceeding the rate of seven per centum per annum.*

3. The Victoria Railway Company shall have the right on Snow fences.  
*and after the first day of November in each year to enter into*  
*and upon any lands of Her Majesty or into and upon the lands*  
30 *of any Corporation or person whatsoever, lying along the route*  
*or line of its Railway, and to erect and maintain snow fences*  
*thereon, subject to the payment of such damages (if any) as may*  
*be thereafter established in the manner provided by law with*  
*respect to such Railway to have been actually suffered; Pro-*  
35 *vided always that any snow fences so erected shall be removed*  
*on or before the first day of* *then next following.*

4. The time for the completion of the said Railway is hereby Time for com-  
pletion of  
Railway ex-  
tended.  
*extended to the first day of January, one thousand eight hundred*  
*and eighty,*

Third Session, Third Parliament, 41 Vic., 1878.

BILL.

An Act to amend the Acts relating to the  
Victoria Railway Company.

(*Reprinted as Amended.*)

First Reading, 24th January, 1878.

(*PRIVATE BILL.*)

Hon. Mr. CAMERON.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.





An Act to amend the Acts relating to the Victoria  
Railway Company.

WHEREAS the Victoria Railway Company have issued Preamble

Debentures at the rate of twelve thousand dollars for each mile of their line of Railway between the Town of Lindsay and the Village of Haliburton, and they consider it to their  
5 advantage *that the Company should have power to reduce the issue of Debentures already made and to limit their powers of issuing Debentures for the future to six thousand dollars per mile:*

Therefore Her Majesty, by and with the advice and consent  
10 of the Legislative Assembly of the Province of Ontario, enacts as follows:—

 1. From and after the passing of this Act the Victoria Railway Company may, by resolution passed at a special meeting of shareholders called for the purpose, limit the issue of  
15 debentures in respect of any portion of their line beyond Haliburton, to six thousand dollars per mile; provided however, that if the said company once exercise the said option by passing such resolution, such resolution shall be irrevocable, and the issue of bonds provided for thereby cannot be altered or dis-  
20 turbed by any subsequent action of the said directors or of the said company. Limiting issue of Debentures.

2. In the event of the said company reducing the issue of debentures already made by agreement with the holders thereof, or by payment or otherwise, the debentures which may be sur-  
25 rendered shall be cancelled, and thereafter the company shall have no power to issue any further debentures in lieu of surrendered debentures, or otherwise in excess of six thousand dollars per mile.  Provision in case company reduce issue.

3. The Company shall have power in such resolution to fix  
30 the rate of interest to be paid on such Debentures at a rate not exceeding the rate of seven per centum per annum. Rate of interest.

4. The Victoria Railway Company shall have the right on  
and after the first day of November in each year to enter into and upon any lands of Her Majesty or into and upon the lands  
35 of any Corporation or person whatsoever, lying along the route or line of its Railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law with respect to such Railway to have been actually suffered; Pro-  
40 vided always that any snow fences so erected shall be removed on or before the first day of April then next following. Snow fences.

5. The time for the completion of the said Railway is hereby  
extended to the first day of January, one thousand eight hundred and eighty. Time for completion of Railway extended.

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Third Session, Third Parliament, 41 Vic., 1878.

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BILL.

An Act to amend the Acts relating to the  
Victoria Railway Company.

*(Reprinted as Amended.)*

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First Reading, 24th January, 1878.

Second " 11th February, 1878.

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*(PRIVATE BILL.)*

Hon. Mr. Cameron.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.



An Act to confirm a Survey in the Township of Caledon.

**W**HEREAS the Municipal Council of the Township of Caledon have by their petition represented that all the side-road allowances in said township have been laid out by Provincial Land Surveyors from the posts or monuments planted at the intersection of said side-road allowances with the allowances for road between the different concessions of said township: That the courses of said side-roads so laid out have been ascertained to be generally correct and the same have been opened up and travelled, and a large amount of public money and statute labour have been expended thereon: That surveys performed under the provisions of the fortieth section of the Act passed in the twelfth year of the reign of Her Majesty chaptered thirty-two, would materially change the position of said travelled side-roads, thereby causing a serious outlay to said township in the construction of new roads and bridges, and considerable annoyance and litigation in setting and fixing the boundaries of the different lots in said township: That they have caused a survey to be made by Charles James Wheelock, a duly licensed Provincial Land Surveyor, to define the front angles of said side-road allowances: That the said Charles James Wheelock has in the course of such survey planted monuments at all the said angles formed by the intersection of such travelled side-roads with the allowances for road between the different concessions of said township, such monuments being planted as near as possible to the place occupied by such original posts or monuments; plans of the said survey by Charles James Wheelock shewing the position of such monuments planted by him, have been filed in the office of the Commissioner of Crown Lands for the Province of Ontario and in the registry office for the County of Peel: That the said survey by Charles James Wheelock and the position of said monuments so planted by him have given general satisfaction to the said municipal council and to the inhabitants of said township, and the said municipal council have prayed that an Act may be passed confirming the said survey of Charles James Wheelock, and declaring the same to be the authorized survey of the front limits of said side-road allowances, and the monuments so planted by him to be the true boundaries thereof; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said monuments planted by the said Charles James Wheelock as represented by said plan, filed in the office of the Commissioner of Crown Lands for the Province of Ontario, be confirmed.

ario and in the registry office of the County of Peel on the sixteenth day of January, one thousand eight hundred and seventy-seven, shall be and the same are hereby declared to be the true and unalterable boundaries of the front angles of said side-road allowances where the same intersect the said concession lines of the said Township of Caledon; and in defining the proper location of said side-road allowances or of any boundaries between lots in said township, the said posts or monuments planted by said Charles James Wheelock in said survey shall be taken and held to be the posts or monuments planted in the original survey of said township, any law, custom, or usage to the contrary notwithstanding. 5 10

No. 3.

3rd Session, 3rd Parliament, 41 Vic. 1878.

## BILL.

An Act to confirm a Survey in the Township of Caledon.

First Reading,	1878.
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(PRIVATE BILL.)

Mt. FLESHER.

TORONTO:

PRINTED BY HUNTER, ROSE &amp; CO.

[No. 4.]

## BILL.

[1878.]

### An Act respecting Water-works at Brampton.

**W**HEREAS the construction of water-works and a supply of water for the Town of Brampton would promote the comfort of its inhabitants, and afford means for the protection of property from fire ; and whereas the corporation of the said town have, by petition, asked to be authorized to construct, possess, and control, as to them may seem best, certain water-works for the said town ; and whereas it is expedient to grant the prayer of the said petition : Preamble.

Therefore Her Majesty, by and with the consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

**1.** The Corporation of the Town of Brampton, by and through the agency of commissioners and their successors, to be elected or appointed as hereinafter provided, may and shall have power to design, construct, build, purchase, improve, hold, and generally maintain, manage, and conduct water-works, and all buildings, matters, machinery, and appliances connected therewith or required therefor, in the Town of Brampton and parts adjacent, as hereinafter provided. Commissioners.

**2.** The commissioners and their successors shall be a body corporate, under the name of "The Water Commissioners for the Town of Brampton," and shall be composed of three members ; and the said commissioners shall have all the powers necessary to enable them to build the water-works hereinafter mentioned, and to carry out all and every the other powers conferred upon them by this Act. To be a body corporate.

**3.** It shall be the duty of the said commissioners to examine, consider, and decide upon all matters relative to supplying the said town with a sufficient quantity of pure and wholesome water for the use of its inhabitants. Duties of Commissioners.

**4.** The commissioners shall have power to employ engineers, surveyors, and such other persons, and to rent or purchase such lands, buildings, waters, and privileges as in their opinion may be necessary to enable them to fulfil their duties under this Act. Powers of Commissioners.

**5.** It shall and may be lawful for the said commissioners, their agents, servants, and workmen, from time to time, and at such times hereafter as they shall see fit, and they are hereby authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, in the Town Power to acquire lands.



of Brampton, or within ten miles of the said town, and to survey, set out, and ascertain such parts thereof as they may require for the purposes of the said water-works; and also to divert and appropriate any river, lake, pond, spring or stream of water therein as they shall judge suitable and proper, and to contract with the owner or occupier of the said lands, and those having a right in the said water for the purchase thereof, or of any part thereof, or of any privilege that may be required for the purposes of the said water commissioners; and in case of any disagreement between the said commissioners and the owners or occupiers of such lands, or any person having an interest in the said water, or the natural flow thereof, or any such privilege as aforesaid, respecting the amount of purchase or value thereof, or as to the damages such appropriations shall cause to them, or otherwise, the same shall be decided by three arbitrators, to be appointed as hereinafter mentioned, namely, the commissioners shall appoint one, the owner or owners shall appoint another, and such two arbitrators shall within ten days after their appointment appoint a third arbitrator; but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, the Judge of the County Court of the County of Peel shall, on application by either party, appoint such third arbitrator: in case any such owner or occupier shall be an infant, married woman, or insane, or absent from this Province, or shall refuse to appoint an arbitrator on his behalf, or in case such land or water privileges may be mortgaged or pledged to any person or persons, the Judge of the County Court of the County of Peel, on application being made to him for that purpose by the commissioners, shall nominate and appoint three indifferent persons as arbitrators; the arbitrators to be appointed, as hereinbefore mentioned, shall award, determine, adjudge and order the respective sums of money which the said commissioners shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators in writing shall be final; and said arbitrators shall be and they are hereby required to attend at some convenient place at or in the vicinity of the said town, to be appointed by the said commissioners, after eight days' notice given for that purpose by the said commissioners, there and then to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested; and also the costs attending said reference and award; and each arbitrator shall be sworn before some one of Her Majesty's justices of the peace in and for the said County of Peel, well and truly to assess the value or damages between the parties to the best of his judgment; and the justice of the peace before whom the said arbitrators or any of them shall be sworn, shall give either of the parties requiring the same a certificate to that effect; Provided always, that any award under this Act shall be subject to be set aside on application to the Court of Queen's Bench or Common Pleas, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration, as hereinbefore provided, and that any sum so awarded shall be paid within three calendar months from the date of the award, or determination of any motion to annul the same, and in default of such payment the proprietor may resume possession of his property, and all his right shall thereupon revive, and the award of the majority of the said arbitrators shall be binding on all parties concerned subject as aforesaid.

Lands to be  
vested in Cor-  
poration.

6. The lands, privileges and water which shall be ascertained, set out, or appropriated by the said commissioners, for the purposes thereof as aforesaid, shall thereupon and for ever thereafter be vested in the Corporation of the Town of Brampton and their successors, and it shall and may be lawful for the said commissioners and their successors to construct, erect, and maintain in and upon the said lands all such reservoirs, water-works, and machinery requisite for the said undertaking, and to convey the water thereto and therefrom in, upon or through any of the grounds and lands lying intermediate between the said reservoirs and water-works, and the springs, streams, rivers, lakes, or ponds, or water from which the same are procured, and the said Town of Brampton, by one or more lines of pipes as may from time to time be found necessary; and for the better effecting the purpose aforesaid, the said commissioners, and their successors and servants, are hereby empowered to enter and pass upon and over the said grounds, roads, highways, railways and lands intermediate as aforesaid, and the same to cut and dig up if necessary, and to lay down the said pipes through the same, and in, upon, over, under, and through the highways, railways and roads within ten miles of the Town of Brampton, and in, through, over, and under the public ways, streets, lanes, railways, or other passages within the said Town of Brampton, and in, upon, through, over, and under the lands, grounds, and premises of any person or persons, bodies corporate or politic, or any lands of the Crown, and to set out, ascertain, use, and occupy such part or parts thereof as they, the said commissioners or their successors, shall think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing, altering, or repairing the same, and for distributing water to the inhabitants of the said town, or for the uses of the corporation of the said town, or of the proprietors or occupiers of the lands through or near which the same may pass, and for this purpose to sink and lay down pipes, tanks, reservoirs, and other conveniences, and from time to time to alter all or any of the said works, as well in the position as in the construction thereof, as to the said commissioners or their successors shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained in case of disagreement by arbitration as aforesaid; and all such water-works, pipes, erections, and machinery requisite for the said undertaking shall likewise be vested in and be the property of the said Corporation of the said Town of Brampton.

Injury to  
works.

7. If any person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the said commissioners or their managers, contractors, servants, agents, workmen or any of them, in the exercise of any of the powers and authorities in this Act authorized and contained; or if any person shall wilfully or maliciously let off or discharge any water, so that the same shall run waste or useless out of the said works; or if any person shall throw or deposit any injurious, noisome or offensive matter into the said water or water-works, or upon the ice, or in any way foul the same or

commit any wilful damage or injury to the works, pipes or water, or encourage the same to be done, every person offending in any of the cases aforesaid shall, on conviction thereof before any justice of the peace having jurisdiction within the locality where the offence shall be committed, forfeit and pay for every such offence a sum not exceeding twenty dollars, together with the costs of conviction, one-half to be applied to the use of the commissioners for water-works purposes, and the other half to him or her who shall lay information; and in case the parties suing for the same shall be the commissioners themselves or any of their servants, officers, agents or workmen, then the whole of the said penalty shall be applied to the uses of the commissioners for water-works purposes; and such justice may also, in his discretion, further condemn such person to be confined in the common gaol of the County of Peel for any period not exceeding one calendar month, as to such justice shall seem meet; and such person or persons so offending shall be liable to an action at law at the suit of the commissioners, to make good any damage done by him, her or them.

Exemption  
from execu-  
tion.

8. All materials procured or partially procured under contract with the commissioners and upon which the said commissioners shall have made advances in accordance with such contract shall be exempt from execution. 20

Books and  
accounts.

9. The said commissioners shall be, and they are hereby required to keep or cause to be kept regular books of account, and books for recording the whole of their official proceedings; and the commissioners, and the clerks employed in their service, shall be sworn before a justice of the peace to the faithful performance of their duties; and all such books shall be open to the examination of any member of the council of the said town, or of any person or persons appointed for that purpose by the corporation of the said town; and shall annually, on or before the thirty-first day of December in each and every year, make a report to the corporation of the said town of the condition of the works under their charge, accompanied by a statement of their receipts and expenditures on account of the same. 25 30 35

Annual  
statement.

10. The commissioners and their successors shall from time to time in each year, deliver to the council of said corporation such other statement of the affairs of the said water-works as the said corporation may consider necessary, and which will afford to the citizens of Brampton a full and complete knowledge of the state of affairs of the said water-works, and such information as may be required by the corporation of the said town, and all the accounts relating to the said water-works may be audited by the auditors of the said corporation in regular course. 40 45

Regulations  
for the use of  
water.

11. The commissioners for the time being shall regulate the distribution and use of the water in all places and for all purposes where the same may be required; and from time to time, shall fix the prices for the use thereof, and the times of payment; and they may erect such number of public hydrants, and in such places as they shall see fit, and direct in what manner and for what purpose the same shall be used; all which they may change at their discretion: Provided always, that all hydrants, conduits or other appliances which the Corporation of the Town of Brampton may require under this Act for the pur- 50 55

Proviso.



pose of extinguishment of fires shall be placed as the corporation of the said town shall direct, and shall be under their exclusive control and direction when erected.

**12.** The said commissioners may regulate the use and distribution of the water from such water-works and may contract with any person or persons for the supply to them of water from the said water-works at a rate to be fixed by by-law of the said corporation and in case any person supplied with water from the said water-works neglects to pay the rent, rate or charge due therefor at any of the times fixed for the payment thereof the said commissioners on giving forty-eight hours' previous notice may stop the supply of water from entering the premises of the person or persons in arrears as aforesaid by cutting off the service pipe or pipes or by such other means as the said commissioners shall see fit, and may recover the rent or charge due up to such time together with the expense of cutting off such water in any court of competent jurisdiction, notwithstanding any contract to furnish for a longer time. Water-rate.

**13.** The commissioners may prosecute or defend any action or process at law or in equity by the name of "The Water Commissioners of the Town of Brampton" against any person or persons for money due for the use of the water, for the breach of any contract express or implied, touching the execution or management of the works or the distribution of the water, or of any promise or contract made to or with them and also for any injury, trespass or nuisance done or suffered to the water courses, source of water supply, pipes, machinery or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water, or for anything otherwise arising out of their said office as commissioners. Commissioners may sue or be sued.

**14.** The commissioners by by-law shall have power with the consent of the corporation of the said town to employ the town collectors, assessors, and such other persons as in their opinion may be necessary to carry out the object of this Act, and to specify the duties of such persons so employed, and to fix their compensation; and all such persons shall hold their offices under the commissioners at the pleasure of the commissioners or as they shall determine by by-law in that behalf; and shall give such security as the commissioners shall from time to time require, and such assessors and collectors shall have as full power in the performance and enforcement of the matters to them committed as the collectors of the said town may by law possess and enjoy. Appointment of Collectors.

**15.** The commissioners and their officers shall have the like protection in the exercise of their respective offices, and the execution of their duties, as justices of the peace now have under the laws of this Province. Protection of Officers.

**16.** If any person or persons shall lay or cause to be laid any pipe or main to communicate with any pipe or main of the said water-works, or in any way obtain or use any water thereof without the consent of the commissioners, he or they shall forfeit and pay to the commissioners for water-works purposes the sum of fifty dollars, and also a further sum of five dollars for each day or part of a day, or night or part of a night, such Using water without consent.

pipe or main shall so remain, which said sums, together with costs of suit in that behalf, may be recovered by civil action in any court of law in the Province having civil jurisdiction to that amount.

**Fouling water.** 17. If any person shall bathe, or wash, or cleanse any cloth, 5  
leather, skin, or animals, or place any nuisance or offensive thing  
within the distance of three hundred yards from the source of  
supply for such water works, in any river, lake, pond, creek,  
spring, source or fountain from which the water of the said  
water-works is obtained, or shall convey, or cast, or throw, or 10  
put any filth, dirt, dead carcasses, or other noisome or offensive  
things therein, or within the distance as above set out, or  
cause, permit or suffer the water of any sink, sewer or drain to  
run or be conveyed into the same, or cause any other thing  
to be done whereby the water therein may be in any wise 15  
tainted or fouled, every such person shall, on conviction  
thereof before any justice of the peace, be by such justice ad-  
judged and condemned to pay a penalty for every such offence  
not exceeding twenty dollars, together with costs, one half to be  
applied for water-works purposes, and the other half to him or 20  
her who shall lay the information, and in case the party laying  
such information be the commissioners themselves, or any of  
their officers or servants, then the whole of the said penalty  
shall be applied to the uses of the commissioners for water-  
works purposes, and such justice shall also in his discretion 25  
further condemn such person to be confined in the common  
gaol for a space of time not exceeding one calendar month, with  
or without hard labour, as to such justice may seem meet.

**By-laws to  
prohibit  
frauds.**

18. It shall and may be lawful for the commissioners, and  
they are hereby authorized and empowered to make such by- 30  
laws as to them shall seem requisite and necessary for prohibi-  
ting by fine not exceeding twenty dollars, for water-works  
purposes, or imprisonment not exceeding one calendar month,  
the amount of such fine and duration of such imprisonment,  
and also the option between fine and imprisonment with or 35  
without hard labour being always in the discretion of the  
justice of the peace before whom any proceeding may be taken  
for enforcement thereof, any person being occupant, tenant or  
inmate of any house supplied with water from the said water-  
works, from lending, selling, or disposing of the water thereof, 40  
from giving it away or permitting it to be taken or carried  
away, or from using or applying it to the use or benefit of others,  
or to any other than to his, her, or their own use and benefit,  
or from increasing the supply of water agreed for with the  
said commissioners, or from wrongfully neglecting or improperly 45  
wasting the water, as also for regulating the time, manner,  
extent, and nature of the supply by the said works, the tene-  
ment of parties to which and to whom the same shall be fur-  
nished, the price or prices to be exacted therefor, and each and  
every other matter or thing relating to or connected there- 50  
with which it may be necessary or proper to direct, regulate or  
determine for issuing to the inhabitants of the town a continued  
and abundant supply of pure and wholesome water, and to  
prevent the practising of frauds upon the commissioners with  
regard to the water so supplied. 55

**Vacant spaces:** 19. In all cases where a vacant space intervenes between  
the line of the street and the wall of the building into which



the water is to be taken, the commissioners are empowered to lay the service pipes across such vacant space, and charge the cost of the same to the owners of the premises, such charge to be payable with the first payment of water-rates, and to be collected in the same manner from the said owners.

20. The service-pipe from the line of street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stopcocks and apparatus placed therein by the commissioners, shall be under their control; and if any damage be done to this portion of the service-pipe or its fittings, either by neglect or otherwise, the commissioners may repair the same, and charge the same to the occupant or owner of the premises; the stopcock placed by the commissioners inside of the wall of the building shall not be used by the water tenant except in cases of accident, or for the protection of the building or the pipes, and to prevent flooding of the premises.

21. All parties supplied with water by the commissioners may be required to place only such taps for the drawing and shutting-off the water as may be approved of by the commissioners.

22. Neither the water commissioners nor the Corporation of the Town of Brampton shall be liable for damages caused by the breaking of any service-pipe or attachment, or for any shutting-off of the water to repair mains or to tap the pipes, provided notice be given of the intention to shut off the water when the same is shut off more than six hours at any one time.

23. It shall be lawful for the officers of the water commissioners and every person authorized by them for that purpose, to have free access at proper hours of the day, and upon reasonable notice given and request made for that purpose, to all parts of every building in which water is delivered and consumed.

24. If any person or persons not being in the employment of the water commissioners, or not being a member of the fire brigade of the said town, and duly authorized in that behalf, shall wilfully open or close any hydrant, or obstruct the free access to any hydrant, stopcock chamber, or hydrant chamber by placing on it any building material, rubbish, or otherwise, every such person shall, on conviction before any of Her Majesty's justices of the peace forfeit and pay for each offence a sum not exceeding twenty dollars for water-works purposes, or in default of payment be imprisoned in the gaol of the county for a term not exceeding thirty days; and each time the said hydrants are so interfered with, and each day or part of a day, night or part of a night said obstruction shall continue shall be considered a separate offence.

25. A majority of said commissioners shall constitute a quorum for the transaction of any business allowed or required by virtue of this Act.

26. The water commissioners are hereby empowered to arrange for the extension of pipes in suburbs or partially built up areas.

portions of the town by allowing a deduction from the price charged for the water to such extent as the commissioners shall see fit, when the said pipes are laid at the cost of the parties under the directions of the commissioners, and subject to their approval, or the commissioners may lay the pipes, charging the said parties, in addition to the usual water rates, a yearly interest upon the cost of such extension, which interest or such portion thereof as shall then be due, shall be paid at the same time and collected in the same manner as the water rates. 5 10

To other Municipalities.

**27.** The water commissioners shall have power and authority to supply any corporation, person or persons with water although not being resident within the Town of Brampton; and may exercise all other powers necessary to the carrying out of their agreements with such corporation or persons, as well within the Township of Chinguacousy as within the Town of Brampton; and they may also from time to time make and carry out any agreement which they may deem expedient for the supply of water to any railway company or manufactory: Provided, that no power shall be exercised under this clause without the consent and approbation of the Corporation of the said Town of Brampton. 15 20

Exemption from taxation.

**28.** The land, buildings, machinery, reservoirs, pipes, and all other real or personal property connected with or appertaining or belonging to the water-works shall be exempt from taxation. 25

Limitation of actions.

**29.** If any action or suit be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed, or in case there shall be a continuation of damages, then within one year after the original of such action arising. 30

Officers to be *Ex officio* officers of the peace.

**30.** The watchman and other officers of the water commissioners, when in the discharge of their duty, shall be *ex officio* possessed of all the powers and authorities of officers of the peace. 35

Money for works may be raised by loan.

**31.** The whole sum expended and to be expended by the commissioners in making and completing the said works and the payment of such damages as aforesaid shall be raised by the said corporation by rate or loan at such times and in such proportions as the said corporation shall deem best; but subject otherwise to the provisions of the law touching the raising of moneys by municipalities by rate or loan as the case may be. 40

By-law.

**32.** Provided always that every by-law for the raising of such sum by rate or loan before its final passage shall be submitted to the electors of the said town, and their assent thereto had and obtained in manner and pursuant to the provisions of the sections contained in division three of title two respecting by-laws in chapter forty-eight of the Statutes of this Province passed in the thirty-sixth year of Her present Majesty's reign and entitled "An Act respecting Municipal Institutions in the Province of Ontario." 56

**33.** After the construction of the works all the revenues arising from or out of the supplying of water or from the real or personal property connected with the said water-works to be acquired by the said corporation under this Act shall be paid over to, and deposited quarterly with the treasurer of the said corporation as hereinbefore provided and shall form part of the general funds of the corporation and may be applied accordingly.

Application of  
revenue.

**34.** The Corporation of the Town of Brampton may dispose of any real or personal property acquired by them for water-works purposes, when no longer required, and until sold, demise and lease the same.

Disposal of  
property.

**35.** There shall be three commissioners, to be nominated and appointed by the council of the said town, or elected; if, by by-law, the council should so determine, by the ratepayers of the said town, qualified by municipal law to vote for councilmen of the said town, in manner and for the term hereinafter mentioned and provided, which three commissioners may be members of the council.

Number of  
Commission-  
ers.

**36.** The said water commissioners shall hold office for one year, except the commissioners first appointed or elected as aforesaid, who shall hold office until the first Monday in January next following their appointment or election as the case may be, and after the first appointment or election the commissioners (if elected) shall be elected to the said office at the same time and in the same manner as councilmen of the said town; and all the provisions and remedies of the Municipal Institutions Act at any time in force with respect to councilmen shall apply in all particulars not inconsistent with this Act to the said commissioners as to election, unseating, and filling vacancies.

Term of office

**37.** Whenever the by-law authorizing the raising of money for the said works shall have been finally passed, the council shall nominate and appoint three commissioners as aforesaid, or a meeting of the electors of the said town shall take place for the nomination of three persons for the office of water commissioners at such place as the said council, by by-law, may appoint and the proceedings at such meeting shall be similar as in the case of the nomination for councilmen; but if it become necessary to adjourn the proceedings by reason of more than the necessary number of candidates being proposed such adjournment for holding the election shall be until the first Wednesday thereafter, being not less than six clear days when a poll shall be opened in each ward of the said town at the place or near there- to where the then last municipal election was held and in all particulars the election shall be conducted in the same manner as an election for councilmen of the said town.

Election of  
commission-  
ers.

**38.** A water commissioner may resign his office, and shall cease to hold office for the same causes as by municipal law the seat of a councilman becomes vacant; in case of a vacancy in the office of water commissioner during the term of his office, the Council of the Corporation of Brampton shall appoint a person to fill the vacancy, and the person so appointed shall

Resignation.



hold office for the residue of the term for which his predecessor was elected or appointed or for which the office is to be filled.

Commissioners not to be interested in works.

**39.** No commissioner or councilman of the said town shall personally have or hold any contract in connection with said works, or be directly or indirectly interested in the same or any of them. 5

Qualification.

**40.** The water commissioners shall have the same property qualification as, by municipal law, councilmen are required to have over and above all incumbrances ; and shall before taking office and within ten days of their election or appointment make oath to such qualification before some justice of the peace of the The Town of Brampton or County of Peel, and deposit the same with the Town Clerk of the Corporation of the Town of Brampton. 10

Corporation may construct works without appointment of commissioners.

**41.** Notwithstanding the provisions of this Act authorizing the construction of the said water-works through the agency of commissioners, the Corporation of the Town of Brampton may, by by-law, declare that the said water-works shall not be constructed by or through the agency of commissioners, but instead thereof, that the said water-works shall be constructed directly by the said Corporation of the Town of Brampton ; and in case the said corporation shall so desire to construct the said water-works, then all the powers, rights, authorities, duties and liabilities by this Act given to, granted or vested in the said commissioners shall be vested in the said corporation, and the said corporation shall be vested with all the powers, privileges and immunities necessary for carrying into effect the intentions and objects of this Act. 15 20 25

By corporate company.

**42.** In case the Corporation of the Town of Brampton shall not see fit to construct the said water-works by or through the agency of commissioners or directly by the said corporation, the said corporation may, by by-law, declare it is advisable to have the said water-works constructed either by a corporate water company, or by any other person or persons, and the said corporation may grant aid for the construction in such manner as they may consider expedient. 30 35

Powers of company.

**43.** The Corporation of the Town of Brampton shall have full power by by-law to confer on any person or persons or corporations that may undertake the construction of the said water-works, all the powers, privileges and immunities necessary to acquire the lands, water and privileges necessary for the establishment and construction of said water-works and the management thereof when constructed, which by this Act are conferred upon the Commissioners of the Corporation of the Town of Brampton. 40 45



BILL.

An Act respecting Water-Works at Brampton.

First Reading	1878.
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(PRIVATE BILL.)

Mr. CHISHOLM.

TORONTO:

PRINTED BY HUNTER ROSE & Co.

## An Act respecting Water-works at Brampton.

**W**HEREAS the construction of water-works and a supply of water for the Town of Brampton would promote the comfort of its inhabitants, and afford means for the protection of property from fire; and whereas the corporation of the said town have, by petition, asked to be authorized to construct, possess, and control certain waterworks for the said town; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Corporation of the Town of Brampton, by and through the agency of commissioners and their successors, to be elected or appointed as hereinafter provided, may and shall have power to design, construct, build, purchase, improve, hold, and generally maintain, manage, and conduct water-works, and all buildings, *materials*, machinery, and appliances connected therewith or required therefor, in the Town of Brampton and parts adjacent, as hereinafter provided. Commissioners.
2. The commissioners and their successors shall be a body corporate, under the name of "The Water Commissioners for the Town of Brampton," and shall be composed of three members; and the said commissioners shall have all the powers necessary to enable them to build the water-works hereinafter mentioned, and to carry out all and every the other powers conferred upon them by this Act. To be a body corporate.
3. It shall be the duty of the said commissioners to examine, consider, and decide upon all matters relative to supplying the said town with a sufficient quantity of pure and wholesome water for the use of its inhabitants. Duties of Commissioners.
4. The commissioners shall have power to employ engineers, surveyors, and such other persons, and to rent or purchase such lands, buildings, waters, and privileges as in their opinion may be necessary to enable them to fulfil their duties under this Act. Powers of Commissioners.
5. It shall and may be lawful for the said commissioners, their agents, servants, and workmen, from time to time, and at such times hereafter as they shall see fit, and they are hereby authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, in the Town Power to acquire lands.



of Brampton, or within *six* miles of the said town, and to survey, set out, and ascertain such parts thereof as they may require for the purposes of the said water-works; and also to divert and appropriate any river, lake, pond, spring or stream of water therein as they shall judge suitable and proper, and to 5  
 contract with the owner or occupier of the said lands, and those having a right in the said water for the purchase thereof, or of any part thereof, or of any privilege that may be required for the purposes of the said water commissioners; and in case of any disagreement between the said commissioners and the 10  
 owners or occupiers of such lands, or any person having an interest in the said water, or the natural flow thereof, or any such privilege as aforesaid, respecting the amount of purchase or value thereof, or as to the damages such appropriations shall cause to them, or otherwise, the same shall be decided by three 15  
 arbitrators, to be appointed as hereinafter mentioned, namely, the commissioners shall appoint one, the owner or owners shall appoint another, and such two arbitrators shall within ten days after their appointment appoint a third arbitrator; but in the event of such two arbitrators not appointing a third arbitrator 20  
 within the time aforesaid, the Judge of the County Court of the County of Peel shall, on application by either party, appoint such third arbitrator: in case any such owner or occupier shall be an infant, married woman, or insane, or absent from this Province, or shall refuse to appoint an arbitrator on his behalf, 25  
 or in case such land or water privileges may be mortgaged or pledged to any person or persons, the Judge of the County Court of the County of Peel, on application being made to him for that purpose by the commissioners, shall nominate and appoint three indifferent persons as arbitrators; the arbitrators 30  
 to be appointed, as hereinbefore mentioned, shall award, determine, adjudge and order the respective sums of money which the said commissioners shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators in writing shall be final; and said arbitrators 35  
 shall be and they are hereby required to attend at some convenient place at or in the vicinity of the said town, to be appointed by the said commissioners, after eight days' notice given for that purpose by the said commissioners, there and then to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by 40  
 the parties interested; and also the costs attending said reference and award; and each arbitrator shall be sworn before some one of Her Majesty's justices of the peace in and for the said County of Peel, well and truly to assess the value or damages 45  
 between the parties to the best of his judgment; and the justice of the peace before whom the said arbitrators or any of them shall be sworn, shall give either of the parties requiring the same a certificate to that effect; Provided always, that any award under this Act shall be subject to be set aside on appli- 50  
 cation to the Court of Queen's Bench or Common Pleas, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration, as hereinbefore provided, and that any sum so awarded shall be paid within three calendar months from the date of the 55  
 award, or determination of any motion to annul the same, and in default of such payment the proprietor may resume possession of his property, and all his right shall thereupon revive, and the award of the majority of the said arbitrators shall be binding on all parties concerned subject as aforesaid. 60



6. The lands, privileges and water which shall be ascertained, set out, or appropriated by the said commissioners, for the purposes thereof as aforesaid, shall thereupon and for ever thereafter be vested in the Corporation of the Town of Brampton and their successors, and it shall and may be lawful for the said commissioners and their successors to construct, erect, and maintain in and upon the said lands all such reservoirs, water-works, and machinery requisite for the said undertaking, and to convey the water thereto and therefrom in, upon or through any of the grounds and lands lying intermediate between the said reservoirs and water-works, and the springs, streams, rivers, lakes, or ponds, or water from which the same are procured, and the said Town of Brampton, by one or more lines of pipes as may from time to time be found necessary; and for the better effecting the purpose aforesaid, the said commissioners, and their successors and servants, are hereby empowered to enter and pass upon and over the said grounds, roads, highways, railways and lands intermediate as aforesaid, and the same to cut and dig up if necessary, and to lay down the said pipes through the same, and in, upon, over, under, and through the highways, railways and roads within *six* miles of the Town of Brampton, and in, through, over, and under the public ways, streets, lanes, railways, or other passages within the said Town of Brampton, and in, upon, through, over, and under the lands, grounds, and premises of any person or persons, bodies corporate or politic, or any lands of the Crown, and to set out, ascertain, use, and occupy such part or parts thereof as they, the said commissioners or their successors, shall think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing, altering, or repairing the same, and for distributing water to the inhabitants of the said town, or for the uses of the corporation of the said town, or of the proprietors or occupiers of the lands through or near which the same may pass, and for this purpose to sink and lay down pipes, tanks, reservoirs, and other conveniences, and from time to time to alter all or any of the said works, as well in the position as in the construction thereof, as to the said commissioners or their successors shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained in case of disagreement by arbitration as aforesaid; and all such water-works, pipes, erections, and machinery requisite for the said undertaking shall likewise be vested in and be the property of the said Corporation of the said Town of Brampton.

7. If any person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the said commissioners or their managers, contractors, servants, agents, workmen or any of them, in the exercise of any of the powers and authorities in this Act authorized and contained; or if any person shall wilfully or maliciously let off or discharge any water, so that the same shall run waste or uselessly out of the said works; or if any person shall throw or deposit any injurious, noisome or offensive matter into the said water or water-works, or upon the ice, or in any way foul the same or

Lands to be  
vested in Cor-  
poration.

Injury to  
works.

commit any wilful damage or injury to the works, pipes or water, or encourage the same to be done, every person offending in any of the cases aforesaid shall, on conviction thereof before any justice of the peace having jurisdiction within the locality where the offence shall be committed, forfeit and pay for every such offence a sum not exceeding twenty dollars, together with the costs of conviction, one-half to be applied to the use of the commissioners for water-works purposes, and the other half to him or her who shall lay information; and in case the parties suing for the same shall be the commissioners themselves or any of their servants, officers, agents or workmen, then the whole of the said penalty shall be applied to the uses of the commissioners for water-works purposes; and such justice may also, in his discretion, further condemn such person to be confined in the common gaol of the County of Peel for any period not exceeding one calendar month, as to such justice shall seem meet; and such person or persons so offending shall be liable to an action at law at the suit of the commissioners, to make good any damage done by him, her or them.

Books and  
accounts.

8. The said commissioners shall be, and they are hereby required to keep or cause to be kept regular books of account, and books for recording the whole of their official proceedings; and the commissioners, and the clerks employed in their service, shall be sworn before a justice of the peace to the faithful performance of their duties; and all such books shall be open to the examination of any member of the council of the said town, or of any person or persons appointed for that purpose by the corporation of the said town; and shall annually, on or before the thirty-first day of December in each and every year, make a report to the corporation of the said town of the condition of the works under their charge, accompanied by a statement of their receipts and expenditures on account of the same.

Annual  
statement.

9. The commissioners and their successors shall from time to time in each year, deliver to the council of said corporation such other statement of the affairs of the said water-works as the said corporation may consider necessary, and which will afford to the citizens of Brampton a full and complete knowledge of the state of affairs of the said water-works, and such information as may be required by the corporation of the said town, and all the accounts relating to the said water-works may be audited by the auditors of the said corporation in regular course.

Regulations  
for the use of  
water.


10. The commissioners for the time being shall regulate the distribution and use of the water in all places and for all purposes where the same may be required; and from time to time, shall fix the prices for the use thereof, and the times of payment; and they may erect such number of public hydrants, and in such places as they shall see fit, and direct in what manner and for what purpose the same shall be used; all which they may change at their discretion: Provided always, that all hydrants, conduits or other appliances which the Corporation of the Town of Brampton may require under this Act for the purpose of extinguishment of fires shall be placed as the corporation of the said town shall direct, and shall be under their exclusive control and direction when erected.

Proviso.

Water-rate.

11. The said commissioners may regulate the use and distribution of the water from such water-works and may contract

with any person or persons for the supply to them of water from the said water-works at a rate to be fixed by by-law of the corporation of the said town, and in case any person supplied with water from the said water-works neglects to pay the rent,  
 5 rate or charge due therefor at any of the times fixed for the payment thereof the said commissioners on giving forty-eight hours' previous notice may stop the supply of water from entering the premises of the person or persons in arrears as aforesaid by cutting off the service pipe or pipes or by such other means  
 10 as the said commissioners shall see fit, and may recover the rent or charge due up to such time together with the expense of cutting off such water in any court of competent jurisdiction, notwithstanding any contract to furnish for a longer time.

 **12.** All water rates and water rents when collected, less disbursements by the commissioners, shall be paid over  
 15 monthly by the said commissioners to the Treasurer of the Town of Brampton. Payment of rates to Treasurer.

**13.** The commissioners may prosecute or defend any action or process at law or in equity by the name of "The Water Commissioners of the Town of Brampton" against any person or  
 20 persons for money due for the use of the water, for the breach of any contract express or implied, touching the execution or management of the works or the distribution of the water, or of any promise or contract made to or with them and also for any  
 25 injury, trespass or nuisance done or suffered to the water courses, source of water supply, pipes, machinery or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water, or for anything otherwise arising out of their said office as commissioners. Commissioners may sue or be sued.

**14.** The commissioners by by-law shall have power with the consent of the corporation of the said town to employ the town collectors, assessors, and such other persons as in their  
 30 opinion may be necessary to carry out the object of this Act, and to specify the duties of such persons so employed, and to  
 35 fix their compensation; and all such persons shall hold their offices under the commissioners at the pleasure of the commissioners or as they shall determine by by-law in that behalf; and shall give such security as the commissioners shall from time to time require, and such assessors and collectors shall  
 40 have as full power in the performance and enforcement of the matters to them committed as the collectors of the said town may by law possess and enjoy. Appointment of Collectors.

**15.** The commissioners and their officers shall have the like protection in the exercise of their respective offices, and the  
 45 execution of their duties, as justices of the peace now have under the laws of this Province. Protection of Officers.

**16.** If any person or persons shall lay or cause to be laid any pipe or main to communicate with any pipe or main of the said water-works, or in any way obtain or use any water there-  
 50 of without the consent of the commissioners, he or they shall forfeit and pay to the commissioners for water-works purposes the sum of fifty dollars, and also a further sum of five dollars for each day or part of a day, or night or part of a night, during which such pipe or main shall so remain, which said sums,  
 2—4 Using water without consent.



together with costs of suit in that behalf, may be recovered by civil action in any court of law in the Province having civil jurisdiction to that amount.

Fouling water.

**17.** If any person shall bathe, or wash, or cleanse any cloth, leather, skin, or animals, or place any nuisance or offensive thing within the distance of three hundred yards from the source of supply for such water works, in any river, lake, pond, creek, spring, source or fountain from which the water of the said water-works is obtained, or shall convey, or cast, or throw, or put any filth, dirt, dead carcases, or other noisome or offensive things therein, or within the distance as above set out, or cause, permit or suffer the water of any sink, sewer or drain to run or be conveyed into the same, or cause any other thing to be done whereby the water therein may be in any wise tainted or fouled, every such person shall, on conviction thereof before any justice of the peace, be by such justice adjudged and condemned to pay a penalty for every such offence not exceeding twenty dollars, together with costs, one half to be applied for water-works purposes, and the other half to him or her who shall lay the information, and in case the party laying such information be the commissioners themselves, or any of their officers or servants, then the whole of the said penalty shall be applied to the uses of the commissioners for water-works purposes, and such justice shall also in his discretion further condemn such person to be confined in the common gaol for a space of time not exceeding one calendar month, with or without hard labour, as to such justice may seem meet.

By-laws to prohibit frauds.


**18.** It shall and may be lawful for the commissioners, and they are hereby authorized and empowered to make such by-laws as to them shall seem requisite and necessary for prohibiting by fine not exceeding twenty dollars, for water-works purposes, or imprisonment not exceeding one calendar month, the amount of such fine and duration of such imprisonment, and also the option between fine and imprisonment with or without hard labour being always in the discretion of the justice of the peace before whom any proceeding may be taken for enforcement thereof, any person being occupant, tenant or inmate of any house supplied with water from the said water-works, from lending, selling, or disposing of the water thereof, from giving it away or permitting it to be taken or carried away, or from using or applying it to the use or benefit of others, or to any other than to his, her, or their own use and benefit, or from increasing the supply of water agreed for with the said commissioners, or from wrongfully neglecting or improperly wasting the water, as also for regulating the time, manner, extent, and nature of the supply by the said works, the tenement of parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every other matter or thing relating to or connected therewith which it may be necessary or proper to direct, regulate or determine for issuing to the inhabitants of the town a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the commissioners with regard to the water so supplied.

Vacant spaces:

**19.** In all cases where a vacant space intervenes between the *outer* line of street and the wall of the building into which the water is to be taken, the water works commission may



with the consent of the owner lay the service pipes across such vacant space and charge the cost thereof to the owner of the premises, or such owner may himself lay such service pipes, provided the same is done to the satisfaction of the engineer of the said commission.

(2.) The expense incidental to the laying of such service pipes, if laid by the commission or of superintending the laying of the same if laid by any other person, shall be payable on demand to the said commission, or if not so paid, may be collected forthwith in the same manner as water rates: Provided that in any one case the said expense of superintending the laying of such service, if laid by any other person as aforesaid, shall not exceed one dollar. 

Expense of laying service pipes by whom to be borne.

20. The service-pipe from the line of street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stopcocks and apparatus placed therein by the commissioners, shall be under their control; and if any damage be done to this portion of the service-pipe or its fittings, either by neglect or otherwise, the commissioners may repair the same, and charge the same to the occupant or owner of the premises; the stopcock placed by the commissioners inside of the wall of the building shall not be used by the water tenant except in cases of accident, or for the protection of the building or the pipes, and to prevent flooding of the premises.

Service-pipes.

21. All parties supplied with water by the commissioners may be required to place only such taps for the drawing and shutting-off the water as may be approved of by the commissioners.

Taps.

22. Neither the water commissioners nor the Corporation of the Town of Brampton shall be liable for damages caused by the breaking of any service-pipe or attachment, or for any shutting-off of the water to repair mains or to tap the pipes, provided that reasonable notice be given of the intention to shut off the water when the same is shut off more than six hours at any one time.

Non-liability to damages.

23. It shall be lawful for the officers of the water commissioners and every person authorized by them for that purpose, to have free access at proper hours of the day, and upon reasonable notice given and request made for that purpose, to all parts of every building in which water is delivered and consumed.

Power to inspect buildings.

24. If any person or persons not being in the employment of the water commissioners, or not being a member of the fire brigade of the said town, and duly authorized in that behalf, shall wilfully open or close any hydrant, or obstruct the free access to any hydrant, stopcock chamber, or hydrant chamber by placing on it any building material, rubbish, or otherwise, every such person shall, on conviction before any of Her Majesty's justices of the peace forfeit and pay for each offence a sum not exceeding twenty dollars to be applied to the use of the commissioners for water-works purposes, or in default of payment be imprisoned in the common gaol of the county for a term not exceeding thirty days; and each time the said hy-

Penalty for injury to hydrants.

drants are so interfered with, and each day or part of a day, night or part of a night *during which* said obstruction shall continue shall be considered a separate offence.

Quorum:

**25.** A majority of said commissioners shall constitute a quorum for the transaction *by them* of any business allowed or required by virtue of this Act. 5

Extension of pipes to suburbs.

**26.** The water commissioners are hereby empowered to arrange for the extension of pipes in suburbs or partially built portions of the town by allowing a deduction from the price charged for the water to such extent as the commissioners shall see fit, when the said pipes are laid at the cost of the parties under the directions of the commissioners, and subject to their approval, or the commissioners may lay the pipes, charging the said parties, in addition to the usual water rates, a yearly interest upon the cost of such extension, which interest or such portion thereof as shall then be due, shall be paid at the same time and collected in the same manner as the water rates. 10 15

To other Municipalities.

**27.** The water commissioners shall have power and authority to supply any corporation, person or persons with water although not being resident within the Town of Brampton; and may exercise all other powers necessary to the carrying out of their agreements with such corporation or persons, as well within the Township of Chinguacousy as within the Town of Brampton; and they may also from time to time make and carry out any agreement which they may deem expedient for the supply of water to any railway company or manufactory: Provided, that no power shall be exercised under this clause without the consent and approbation of the Corporation of the said Town of Brampton. 20 25 30

Exemption from taxation.

**28.** The land, buildings, machinery, reservoirs, pipes, and all other real or personal property connected with or appertaining or belonging to the water-works shall be exempt from taxation.

Limitation of actions.



**29.** If any action or suit be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed, or in case there shall be a continuation of damages, then within one year after the original *cause* of such action arising. 35 40

Officers to be *Ex officio* officers of the peace.

**30.** The watchman and other officers of the water commissioners, when in the discharge of their duty, shall be *ex officio* possessed of all the powers and authorities of officers of the peace.

Money for works may be raised by loan.

**31.** The whole sum expended and to be expended by the commissioners in making and completing the said works and the payment of such damages as aforesaid shall be raised by the said corporation by rate or loan at such times and in such proportions as the said corporation shall deem best; but subject otherwise to the provisions of the law touching the raising of moneys by municipalities by rate or loan as the case may be. 45 50

**32.** Provided always that every by-law for the raising of **By-law.** such sum by rate or loan before its final passage shall be submitted to the electors of the said town, and their assent thereto had and obtained in manner and pursuant to the provisions  
 5  contained in any Act respecting Municipal Institutions which now is or hereafter may be in force, and any elector may vote in each ward of the town in which he shall have the necessary qualification. 

**33.** After the construction of the works all the revenues **Application of** arising from or out of the supplying of water or from the real **revenue.** or personal property connected with the said water-works to be acquired by the said corporation under this Act shall, *after providing for the expenses attendant upon the maintenance of the said water-works* be paid over to, and deposited *monthly*  
 15 with the treasurer of the said corporation as hereinbefore provided and shall form part of the general funds of the corporation and may be applied accordingly.

**34.** The Corporation of the Town of Brampton may dispose **Disposal of** of any real or personal property acquired by them for water- **property.** works purposes, when no longer required, and until sold, demise and lease the same.

**35.** There shall be three commissioners, *either* to be nominated **Number of** and appointed by the council of the said town, or *if said council* **Commission-** *shall by by-law so determine to be elected by such of* the rate- **ers.**  
 25 payers of the said town, *as are* qualified by municipal law to vote for councilmen of the said town, in manner and for the term hereinafter mentioned and provided, *but none of such commissioners shall be members of the said council.*

**36.** The said water commissioners shall hold office for one **Term of office.** year, except the commissioners first appointed or elected as aforesaid, who shall hold office until the first Monday in January next following their appointment or election as the case may be, and after the first appointment or election the commissioners (if elected) shall be elected to the said office at the  
 35 same time and in the same manner as councilmen of the said town; and all the provisions and remedies of the Municipal Institutions Act at any time in force with respect to councilmen shall apply in all particulars not inconsistent with this Act to the said commissioners as to election, unseating, and filling vacancies.  
 40

**37.** Whenever the by-law authorizing the raising of money for **Election of** the said works shall have been finally passed, *and if said* **commission-** *council shall so determine as aforesaid, that said commissioners* **ers.** *are to be elected as aforesaid, then* a meeting of the electors of  
 45 the said town shall take place for the nomination of three persons for the office of water commissioners at such place as the said council, by by-law, may appoint, and the proceedings at such meeting shall be similar as in the case of the nomination for councilmen; but if it become necessary to adjourn the proceedings by reason of more than the necessary number of can-  
 50 didates being proposed such adjournment for holding the election shall be until the first Wednesday thereafter, being not less than six clear days when a poll shall be opened in each ward of the said town at the place or near thereto where the



then last municipal election was held and in all particulars the election shall be conducted in the same manner as an election for councilmen of the said town.

Resignation.

**38.** A water commissioner may resign his office, and shall 5  
cease to hold office for the same causes as by municipal law the  
seat of a councilman becomes vacant; in case of a vacancy in  
the office of water commissioner during the term of his office,  
the Council of the Corporation of Brampton shall appoint a  
person to fill the vacancy, and the person so appointed shall 10  
hold office for the residue of the term for which his predecessor  
was elected or appointed or for which the office is to be filled.

Commission-  
ers not to be  
interested in  
works.

**39.** No commissioner or councilman of the said town shall  
personally have or hold any contract in connection with said  
works, or be directly or indirectly interested in the same or 15  
any of them, and no commissioner shall be eligible for  
election as councilman, and no councilman as water commis-  
sioner.

Qualification.

**40.** The water commissioners shall have the same property  
qualification as, by municipal law, councilmen are required to 20  
have over and above all incumbrances; and shall before taking  
office and within ten days of their election or appointment  
make oath to such qualification before some justice of the  
peace of the The Town of Brampton or County of Peel, and  
deposit the same with the Town Clerk of the Corporation of 25  
the Town of Brampton.

Corporation  
may construct  
works without  
appointment  
of commis-  
sioners.

**41.** Notwithstanding the provisions of this Act authorizing  
the construction of the said water-works through the agency of  
commissioners, the Corporation of the Town of Brampton may,  
by by-law, declare that the said water-works shall not be con- 30  
structed by or through the agency of commissioners, but in-  
stead thereof, that the said water-works shall be constructed  
directly by the said Corporation of the Town of Brampton:  
and in case the said corporation shall so desire to construct the  
said water-works, then all the powers, rights, authorities, duties 35  
and liabilities by this Act given to, granted or vested in the said  
commissioners shall be vested in the said corporation, and the  
said corporation shall be vested with *and have* all the powers,  
privileges and immunities necessary for carrying into effect the  
intentions and objects of this Act.

Construction  
by nominee of  
corporation.

**42.** In case the Corporation of the Town of Brampton 40  
shall not see fit to construct the said water-works by or through  
the agency of commissioners or directly by the said corporation,  
the said corporation may, by by-law referred to in the thirty-  
*fifth* section of this Act, declare it is advisable to have the said  
water-works constructed either by a corporate water company, 45  
or by any other person or persons.

Powers of  
company.

**43.** In case the Corporation of the Town of Brampton  
shall desire to construct the said water-works, by either of the  
modes provided by the last two preceding sections of this Act,  
such mode shall be first approved of by a majority of the quali- 50  
fied voters, voting upon any by-law to be submitted for that  
purpose, and the question or questions respecting the adoption  
of either of such modes, may be submitted by the council of the



said corporation, for the approval of the qualified voters in the proposed by-law, mentioned in the the thirty-*fifth* section of this Act, and the votes shall be given on each specific question which may be submitted, or the same may be submitted separately.

**45.** The corporation of the town may, in case the construction of the work be intrusted to commissioners as hereinbefore provided, at any time assume the work, remove the commissioners and proceed with the working *as* if the corporation had originally undertaken the said works, but such assumption must be by by-law of the said corporation: Provided always, that all the provisions of the Municipal Act, as to by-laws for raising on the credit of the municipality money, not required for its ordinary expenditure and not payable within the same municipal year, shall apply to the said by-law, such provisions being those which require and relate as assent of electors and otherwise.

Corporation  
may assume  
works.

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Third Session, Third Parliament, 41 Vic., 1878.

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BILL.

An Act respecting Water-Works at Brampton.

*(Reprinted as Amended.)*

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First Reading, 23rd January, 1878.

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*(PRIVATE BILL.)*

Mr. CHISHOLM.

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TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act respecting Water-works and to validate By-law Number 212 of Owen Sound.

**W**HEREAS the construction of Water-works and a supply of water would conduce to the comfort of the inhabitants of the Town of Owen Sound, and afford means for the better protection from fire of property therein, and whereas the Council of the Corporation of the said town with the consent of the Municipal electors thereof, on the twenty-second day of November, one thousand eight hundred and seventy-five, finally passed a by-law entitled "By-law number 212, to incur a debt of fifteen thousand dollars, for the purpose of aiding in the construction of a Dry Dock in the Town of Owen Sound," and whereas, on the faith of said By-law The Owen Sound Dry Dock and Ship Building Company was incorporated and have constructed a Dry Dock in said Town and have received the debentures issued under said By-law, but are unable to sell them in consequence of doubts as to the power of the said Corporation to pass such by-law; and whereas the Council of the Corporation of said town have by petition asked to be authorised to construct, have and manage, as to them may seem meet, certain Water-works for said Town and that the said By-law No. 212 may be legalized and confirmed, and whereas it is expedient to grant the prayer of said Petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

**1.** The Corporation of the Town of Owen Sound by and through the agency of commissioners and their successors, to be elected and appointed as hereinafter provided, may and shall have power to design, construct, build, purchase, improve, hold and generally maintain, manage and conduct, water-works and all buildings, materials, machinery and appliances therewith connected or necessary thereto in the Town of Owen Sound and parts adjacent as hereinafter provided.

**2.** The commissioners and their successors shall be a body corporate under the name of "The Water Commissioners for the Town of Owen Sound," and shall be composed of not less than three and not more than five members, as the council of said town may decide, of whom the Mayor of the Town of Owen Sound shall be *ex officio* one; and the said commissioners shall have all the powers necessary to enable them to build the water-works hereinafter mentioned, and to carry out all and every the other powers conferred upon them by this Act.

Duties of Commissioners.

3. It shall be the duty of the said commissioners to examine, consider and decide upon all matters relative to supplying the said Town of Owen Sound with a sufficient quantity of pure and wholesome water for the use of its inhabitants.

Powers of Commissioners.

4. The commissioners shall have power to employ engineers, surveyors and such other persons, and to rent or purchase such lands, buildings, waters and privileges as in their opinion may be necessary to enable them to fulfil their duties under this Act.

Power to acquire lands, arbitration, &c.

5. It shall and may be lawful for the said commissioners, their agents, servants and workmen from time to time and at such times hereafter as they shall see fit, and they are hereby authorised and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, in the Town of Owen Sound or within five miles of the said town, and to survey, set out and ascertain such parts thereof as they may require for the purposes of the said water-works: also to divert and appropriate any river, pond of water, spring, or stream of water therein, as they shall judge suitable and proper, and to contract with the owner or occupier of the said lands, and those having a right in the said water for the purchase thereof or of any part thereof, or of any privilege that may be required for the purposes of the said water commissioners; and in case of any disagreement between the said commissioners and the owners or occupiers of such lands, or any person having an interest in the said water or the natural flow thereof, or any such privilege as aforesaid respecting the amount of purchase or value thereof, or as to the damages such appropriation shall cause to them or otherwise, the same shall be decided by three arbitrators, to be appointed as hereinafter mentioned, namely, the commissioners shall appoint one, the owner or owners shall appoint another, and such two arbitrators shall within ten days after their appointment appoint a third arbitrator; but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid the Judge of the County Court of the County of Grey shall, on application by either party appoint such third arbitrator; in case any such owner or occupier shall be an infant, married woman, or insane, or absent from this Province, or shall refuse to appoint an arbitrator on his or her behalf, in case such land, land or water privileges be mortgaged or pledged to any person or persons the Judge of the said County Court, on application being made to him for that purpose by the commissioners, shall nominate and appoint three indifferent persons as arbitrators; the arbitrators to be appointed as hereinbefore mentioned shall award, determine, adjudge and order the respective sums of money which the said commissioners shall pay to the respective persons entitled to receive the same; and the award of the majority of the said arbitrators in writing shall be final; and the said arbitrators shall be, and they are hereby required to attend at some convenient place at or in the vicinity of the said town, to be appointed by the said commissioners after eight days' notice given for that purpose by the said commissioners there and then to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested, and also the costs attending said reference and award; and each arbitrator shall be sworn before some one



of Her Majesty's Justices of the Peace in and for the said County of Grey, well and truly to assess the value or damages between the parties to the best of his judgment; and the Justice of the Peace before whom the said arbitrators or any of them shall be sworn, shall give either of the parties requiring the same a certificate to that effect—Provided always, that any award under this Act shall be subject to be set aside on application to the Court of Queen's Bench or Common Pleas, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration as hereinbefore provided; and that any sum so awarded shall be paid within three calendar months from the date of the award or determination of any motion to annul the same, and in default of such payment the proprietor may resume possession of his property, and all his rights shall thereupon revive, and the award of the majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid.

6. The lands, privileges and water which shall be ascertained, set out or appropriated by the said commissioners for the purposes thereof as aforesaid, shall thereupon and forever thereafter be vested in the Corporation of the Town of Owen Sound and their successors; and it shall and may be lawful for the said commissioners and their successors to construct, erect and maintain in and upon the said lands all such reservoirs, water-works and machinery requisite for the said undertaking, and to convey the water thereto and therefrom, in, upon or through any of the grounds and lands lying intermediate between the said reservoirs and water-works and the springs, streams, rivers or ponds or waters from which the same are procured, and the said Town of Owen Sound by one or more lines of pipes as may from time to time be found necessary; and for the better effecting the purpose as aforesaid, the said commissioners and their successors and servants are hereby empowered to enter and pass upon and over the said grounds, roads, highways, railways and lands intermediate as aforesaid, and the same to cut and dig up if necessary, and to lay down the said pipes through the same and in, upon, over, under and through the ways, railways and roads within five miles of the Town of Owen Sound, and in, through, over and under the public highways, streets, lanes, railways or other passages within the said Town of Owen Sound, and in, upon, through, over and under the lands, grounds and premises of any person or persons, bodies corporate, politic or collegiate, or any lands of the Crown, and to set out, ascertain, use and occupy such part or parts thereof as they, the said commissioners or their successors shall think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of the said works or for preserving the purity of the water supply, or for taking up, removing, altering or repairing the same, and for distributing water to the inhabitants of the Town of Owen Sound, or for the uses of the corporation of the said town or of the proprietors or occupiers of the land through or near which the same may pass; and for this purpose to sink and lay down pipes, tanks, reservoirs and other conveniences, and from time to time to alter all or any of the said works as well in the position as in the con-

Proviso.

Lands to be vested in the Corporation.

Powers of Commissioners.

struction thereof, as to the said commissioners or their successors shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors to be ascertained in case of disagreement by arbitration as aforesaid 5 and all such water-works, pipes, erections and machinery requisite for the said undertaking shall likewise be vested in and be the property of the said Corporation of the Town of Owen Sound.

Injury, &c.,  
to Works.

7. If any person shall wilfully or maliciously hinder or in- 10  
terrupt, or cause or procure to be hindered or interrupted, the  
said commissioners or their managers, contractors, servants,  
agents, workmen or any of them in the exercise of any of the  
powers and authorities in this Act authorised and contained, or  
if any person shall wilfully or maliciously let off, or discharge 15  
any water so that the same shall run to waste, or useless out of  
the said works, or if any person shall throw or deposit any in-  
jurious, noisome or offensive matter into the said water or  
water-works, or upon the ice, or in any way foul the same or  
commit any wilful damage or injury to the works, pipes or 20  
water, or encourage the same to be done; every person offend-  
ing in any of the cases aforesaid shall, on conviction thereof,  
before any Justice of the Peace having jurisdiction within the  
locality where the offence shall be committed, forfeit and pay  
for every such offence a sum not exceeding twenty dollars 25  
together with the costs of conviction, one-half to be applied to  
the use of the commissioners for water-works purposes and the  
other half to him or her who shall lay information, and in case  
the parties suing for the same shall be the commissioners them-  
selves, or any of their servants, officers, agents or workmen, 30  
then the whole of the said penalty shall be applied to the use of  
the commissioners for water-works purposes; and such justice  
may also in his discretion further condemn such person to be  
confined in the common gaol of the County of Grey for any  
period not exceeding one calendar month, as to such justice 35  
shall seem meet; and such person or persons so offending shall  
be liable to an action at law at the suit of the commissioners to  
make good any damage done by him, her or them.

Exemption  
from execu-  
tion.

8. All materials procured or partially procured under con-  
tract with the commissioners and upon which the said commis- 40  
sioners shall have made advances in accordance with such con-  
tract shall be exempt from execution.

Books and  
accounts.

9. The commissioners shall be and they are hereby required  
to keep, or cause to be kept, regular books of account and books  
for recording the whole of their official proceedings; and the 45  
commissioners and the clerks employed in their service shall be  
sworn before a Justice of the Peace to the faithful performance  
of their duties; and all such books shall be open to the exam-  
ination of any member of the Town Council of the Town of  
Owen Sound, or of any person or persons appointed for that 50  
purpose by the Corporation of the Town of Owen Sound; and  
shall annually, on or before the thirty-first day of December in  
each and every year make a report to the Corporation of the  
Town of Owen Sound of the condition of the works under their  
charge, accompanied by a statement of their receipts and ex- 55  
penditures on account of the same.

Report.

10. The commissioners and their successors shall from time to time in each year, deliver to the council of said corporation such other statement of the affairs of the said water-works as the said corporation may consider necessary and which will 5 afford to the citizens of the Town of Owen Sound a full and complete knowledge of the state of affairs of the said water-works, and such information as may be required by the Corporation of the Town of Owen Sound; and all the accounts relating to the said water-works may be audited by the auditor of the 10 said corporation in regular course.

Annual statement.

Audit.

11. The commissioners for the time being, shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time shall fix the prices for the use thereof and the times of payment; and they may erect such number of public hydrants and 15 in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used, all which they may change at their discretion; Provided always, that all hydrants, conducts or other appliances which the Corporation of the Town of Owen Sound may require under this Act, for the purpose of extinguishment of fires, shall be placed as the Corporation of the Town of Owen Sound shall direct, and shall be 20 under their exclusive control and direction when erected.

Regulation for use of water.

12. The commissioners shall have power and authority, and 25 it shall be their duty from time to time to fix the price, rate or rent, (such price, rate or rent not being less after the completion of the works than sufficient to pay the interest and sinking fund upon the debentures issued for the construction of the works and the expenses of maintaining and working the same) 30 which any owner or occupant of any house, tenement, lot or part of a lot or both, in, through or past which the water-pipes shall run, shall pay as water rate, or rent, whether such owner or occupant shall use the water or not, having due regard to the assessment and to any special benefit and advantage derived 35 by such owner or occupant or conferred upon him or her or their property by the water-works, and the locality in which the same is situated; and such water rate or rent as shall be assessed by such commissioners upon such owner or occupant, shall be and continue a lien or charge unless paid upon such 40 real estate in the same way and manner as other taxes assessed on real estate in the Town of Owen Sound are liens; and the water commissioners shall also have power and authority from time to time to fix the rate or rent to be paid for the use of the water by hydrants, fire plugs and public buildings; and in 45 order to prevent the waste of water and settle disputes arising therefrom as to the quantity supplied to any consumer, the said commissioners are hereby empowered to erect or place water meters or other water measuring apparatus on the premises of the consumer whenever they may deem it expedient so to do, 50 the cost thereof to be borne by such consumer.

Water-rate.

13. All water rates and water rents when collected, less disbursements by the commissioners shall be paid over monthly by the said commissioners to the Treasurer of the Town of Owen Sound.

Payment of rates to Treasurer.



**By-laws.**

**14.** The commissioners shall have power from time to time to make and enforce all necessary by-laws, rules and regulations for the general maintenance or the management or conduct of the said water-works, officers and others employed by them, not inconsistent with this Act, and for the collection of the said 5 water rent and water rate, and for fixing the time and times (which shall be quarterly) when, and the places where the same shall be payable, also for allowing a discount for prepayment, and in case of default in payment to enforce payment by shutting off the water, or by suit at law before any Court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or occupant, or of any goods and chattels in his or her possession wherever the same may be found within the Town of Owen Sound or County of Grey, or of any goods and chattels found on the premises the property of or 15 in the possession of any other occupant of the premises; such distress and sales shall be conducted in the same manner as sales are now conducted for arrears of town taxes and the costs chargeable shall be those payable to bailiffs under the Division Court Act: Provided that the attempt to collect such rates by 20 any process hereinbefore mentioned shall not in any way invalidate the lien upon such premises, and in the event of any such rate uncollected and unpaid and continuing a lien upon the premises as hereinbefore provided, the amount of such rate so in arrears shall be returned by the commissioners to the Treasurer of the Town of Owen Sound, annually, on or before the eighth day of April in each and every year, and the same together with interest at the rate of ten per cent. per annum thereon shall thereupon be collected by such treasurer by the sale of the lands and premises in the same manner and subject 30 to the same provisions as in case of the sale of non-resident lands for arrears of municipal taxes.

**Commissioners may sue or be sued.**

**15.** The commissioners may prosecute or defend any actions or process at law or in equity by the name of "The Water Commissioners of the Town of Owen Sound," against any person or persons for money due for the use of the water, for the breach of any contract express or implied, touching the execution or management of the works or the distribution of the water or of any promise or contract made to or with them, and also for any injury or trespass or nuisance done or suffered to 40 the water courses, source of water supply, pipes, machinery or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water, or for anything otherwise arising out of their said office as commissioners. 45

**Appointment of collectors, &c.**

**16.** The commissioners shall have power with the consent of the Corporation of the Town of Owen Sound to employ the town collectors, assessors and such other persons as in their opinion may be necessary to carry out the object of this Act, and to specify the duties of such persons so employed and to fix 50 their compensation; and all such persons shall hold their offices under the commissioners at the pleasure of the commissioners, or as they shall determine by by-law in that behalf, and shall give such security as the commissioners shall from time to time require; and such assessors and collectors shall have as full 55 power in the performance and enforcement of the matters to them committed as the collectors and assessors in the Town of Owen Sound may by law possess and enjoy.



**17.** The commissioners and their officers shall have the like <sup>Protection of</sup> protection in the exercise of their respective offices and the execution of their duties as Justices of the Peace now have under the laws of this Province. <sup>officers.</sup>

5 **18.** If any person or persons shall lay or cause to be laid any pipe or main to communicate with any pipe or main of the said water-works, or in any way obtain or use any water thereof <sup>Using water</sup> without the consent of the commissioners he or they shall forfeit and pay to the commissioners for water-works purposes the <sup>without consent.</sup> sum of fifty dollars, and also a further sum of five dollars for each day, or part of a day or night or part of a night which pipe or main shall so remain, which said sums together with costs of suit in that behalf may be recovered by civil action in any court of law in the Province having civil jurisdiction to  
15 that amount.

**19.** If any person shall bathe or wash or cleanse any cloth, <sup>Fouling</sup> wool, leather, skin or animals, or place any nuisance or offensive thing within the distance of one mile from the source of supply for such water-works in any river, pond, creek, spring, <sup>water.</sup> source or fountain from which the water of the said water-works is obtained, or shall convey or cast or throw or put any filth, dirt, dead carcase or other noisome or offensive things therein, or within the distance as above set out, or cause, permit, or suffer the water of any sink, sewer or drain to run or be  
20 conveyed into the same, or cause any other thing to be done whereby the water therein may be in any way tainted or fouled, every such person shall, on conviction thereof before any Justice of the Peace, be by such justice adjudged and condemned to pay a penalty for every such offence not exceeding twenty  
25 dollars together with costs, one-half to be applied for water-works purposes and the other half to him or her who shall lay the information, and in case the party laying such information be the commissioners themselves, or any of their officers or servants, then the whole of said penalty shall be applied to the  
30 uses of the commissioners for water-works purposes, and such justice may also in his discretion further condemn such person to be confined in the common gaol of said county for a space of time not exceeding one calendar month with or without hard labour as to such justice may seem meet.

40 **20.** It shall and may be lawful for the commissioners, and they are hereby authorised and empowered to make such by- <sup>By-laws to</sup> laws as to them shall seem requisite and necessary for prohibiting by fine not exceeding twenty dollars for water-works purposes or imprisonment not exceeding one calendar month, the <sup>prohibit fraud.</sup> amount of such fine and duration of such imprisonment and also the option between fine and imprisonment with or without hard labour, being always in the discretion of the Justice of the Peace before whom any proceedings may be taken for enforcement thereof, any person being occupant, tenant or inmate  
50 of any house supplied with water from the said water-works, from lending, selling or disposing of the water thereof, from giving it away or permitting it to be taken or carried away or from using or applying it to the use or benefit of others, or to any other than his, her or their own use and benefit, or from  
55 increasing the supply of water agreed for with the said commissioners, or from wrongfully neglecting or improperly wasting

the water, as also for regulating the time, manner, extent and nature of the supply by the said works, the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor and each and every other matter or thing related to or connected therewith, with which it may be necessary or proper to direct, regulate or determine for issuing to the inhabitants of the town a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the commissioners with regard to the water so supplied. 5 10

Vacant spaces.

**21.** In all cases where a vacant space intervenes between the line of the street and the wall of the building into which the water is to be taken, the commissioners are empowered to lay the service pipes across such vacant space and charge the cost of the same to the owners of the premises, such charge to be payable with the first payment of water rates and to be collected in the same manner from the said owners. 15

Service-pipes.

**22.** The service pipes from the line of street to the interior face of the outer wall of the building supplied together with all branches, couplings, stopcocks and apparatus placed therein by the commissioners shall be under their control, and if any damage be done to this portion of the service pipe or its fittings either by neglect or otherwise, the commissioners may repair the same and charge the same to the occupant or the owner of the premises, the stopcock placed by the commissioners inside of the wall of the building shall not be used by the water tenant except in cases of accident or for the protection of the building or the pipes and to prevent flooding of the premises. 20 25

Taps.

**23.** All parties supplied with water by the commissioners, may be required to place only such taps for drawing and shutting off the water as may be approved of by the commissioners. 30

Non-liability for damages.

**24.** Neither the water commissioners nor the Corporation of the Town of Owen Sound shall be liable for damages caused by the breaking of any service-pipe or attachment or for any shutting off of the water to repair mains or to tap the pipes, provided notice be given of the intention to shut off the water when the same is shut off more than six hours at any one time. 35

Power to inspect buildings.

**25.** It shall be lawful for the officers of the water commissioners and every person authorised by them for that purpose to have free access at proper hours of the day and upon reasonable notice given and request made for that purpose to all parts of every building in which water is delivered and consumed. 40

Penalty for injury to hydrant, &c.

**26.** If any person or persons, not being in the employment of the water commissioners, or not being a member of the fire brigade of the said town, and duly authorised in that behalf, shall wilfully open or close any hydrant or obstruct the free access to any hydrant, stopcock, chamber or hydrant chamber by placing on it any building material, rubbish or otherwise, every such person shall on conviction before any of Her Majesty's Justices of the Peace, forfeit and pay for each offence a sum not exceeding twenty dollars for water-works purposes, or in default of payment be imprisoned in the common gaol of the county for a term not exceeding thirty days, and each time the 45 50

said hydrants are so interfered with, and each day or part of a day, night or part of a night such obstruction shall continue, shall be considered a separate offence.

27. A majority of said commissioners shall constitute a *quorum*.  
5 rum for the transaction of any business allowed or required by virtue of this Act.

28. The water commissioners are hereby empowered to arrange for the extension of pipes in suburbs and partially built portions of the town by allowing a deduction from the price charged for the water to such extent as the commissioners shall see fit when the said pipes are laid at the cost of the parties under the directions of the commissioners and subject to their approval; or the commissioners may lay the pipes charging the said parties, in addition to the usual water-rates a yearly interest upon the cost of such extension, which interest or such portion thereof as shall then be due shall be paid at the same time, and collected in the same manner as the water-rates.  
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29. The water commissioners shall have power and authority to supply any corporation, person or persons with water, although not being resident within the Town of Owen Sound, and may exercise all other powers necessary to the carrying out of their agreement with such corporation or persons as well within the suburbs of as within the Town of Owen Sound, and they may also from time to time make and carry out any agreement which they may deem expedient for the supply of water to any railway company or manufactory: Provided that no power shall be exercised under this section without the consent and approbation of the Corporation of the Town of Owen Sound.  
20  
25

30. 30. The lands, buildings, machinery, reservoirs, pipes and all other real or personal property connected with or appertaining or belonging to the water-works shall be exempt from taxation.  
30

31. If any action or suit be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed, or in case there shall be a continuation of damages then within one year after the original cause of such action arising.  
35

32. The watchman and other officers of the water commissioners, when in the discharge of their duties, shall be *ex-officio* possessed of all the powers and authority of officers of the peace.  
40

33. For the purpose of acquiring the necessary lands, rights and privileges and constructing the said water-works, and for the extension and repairs of the said water-works or for the purpose of meeting the payment of any other matter or thing contemplated or allowed by this Act, the Corporation of the Town of Owen Sound shall have power to issue debentures of the said Town of Owen Sound to be called "Water-works Debentures," for a sum of money not exceeding one hundred thousand dollars of lawful money of Canada, in such sums not less than one hundred dollars, or twenty pounds sterling money,  
45  
50



as shall to said corporation seem expedient ; which debentures shall become payable in manner, and at the times following, that is to say, within a period of thirty years from the date of the respective issues thereof ; and shall bear interest after a rate not exceeding seven per centum per annum, such interest to be payable half yearly and shall have coupons attached for the payment of the said half yearly interest ; and such debentures shall be signed by the mayor and treasurer of the said town for the time being and may be made payable either in sterling or currency in this Province, Great Britain, or elsewhere, as to the Council of the Corporation of the Town of Owen Sound shall seem expedient ; and the Corporation of the Town of Owen Sound and their successors shall for the purpose of providing a sinking fund for the payment of the said debentures as aforesaid, and the interest on the same semi-annually, raise annually after the completion of the said works or at the expiration of three years from the date of the first issue of such debentures such sums as may be necessary to pay the interest upon and provide a sinking fund to meet the whole of such debentures in full, as the same shall become due respectively, and shall order a rate for that purpose to be settled, imposed and levied in each and every year to pay the said principal and interest on such debentures : But every by-law for raising upon the credit of the said municipality any money for water-works purposes shall before the final passing thereof receive the assent of the municipal electors of the Town of Owen Sound in the manner provided for in the two hundred and thirty-first section of the Municipal Institutions Act.

Custody of  
debentures.

Payment of  
proceeds.

**34.** Such debentures when issued shall be deposited in some of the chartered banks having an office in the Town of Owen Sound ; and the proceeds of such debentures shall be paid into some chartered bank and kept separate from any other funds of the said town, and the same shall only be paid out on the cheque of the mayor and treasurer for the time being of the Town of Owen Sound and the chairman for the time being of the said water commissioners as may from time to time be required for the payment and discharge of the liabilities that may be incurred in carrying out the improvements contemplated by this Act and for the payment of interest accruing due on the said debentures during the period of the erection and completion of the said water-works ; Provided always, that nothing herein contained shall prevent the commissioners should they deem it advisable so to do, from paying the contractor or contractors or others in debentures either at par or at such rate of discount as the commissioners shall in their judgment deem advisable with the assent of the Corporation of the Town of Owen Sound thereto nor from selling or negotiating the same, as to them may seem most expedient and advantageous to the interests of the Town of Owen Sound.

Lien of debenture holders.

**35.** The said water-works to be erected and constructed under this Act and also the lands to be acquired for the purpose thereof and every matter and thing therewith connected shall be, and they are hereby specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be borrowed by the said corporation for the purposes of this Act as well as for the due and punctual payment of the interest thereupon, and all, each and every of the holders of the debentures in the last previous section mentioned shall have



a preferential pledge, mortgage or hypothec or privilege on the said lands, water-works and property appertaining thereto, for securing the payment of the said debentures and the interest thereon.

- 5 **36.** After the construction of the works, all the revenues arising from or out of the supplying of water or from the real or personal property connected with the said water-works to be acquired by the said corporation under this Act shall, after providing for the expenses attendant upon the maintenance of the said water-works be paid over to and deposited monthly with the treasurer of the said Corporation of the Town of Owen Sound, as herebefore provided, and shall make part of the general funds of the corporation, and may be applied accordingly. Application of revenue.
- 10
- 15 **37.** The Corporation of the Town of Owen Sound may dispose of any real or personal property acquired by them for water-works purposes, when no longer required and until sold, demise and lease the same. Disposal of property.
- 20 **38.** This Act shall not have any force or effect until the Council of the Corporation of the Town of Owen Sound shall pass a by-law authorizing the construction of the said water-works; but no by-law shall be passed, firstly, until estimates of the intended expenditures have been published for one month, and notice of the time appointed for taking a poll of the electors on the proposed by-law, has been published for one month, and a copy of the proposed by-law at length, as the same may be ultimately passed in council (except the date thereof) has been published for one month in some newspaper in the Town of Owen Sound; nor secondly, until a poll has been held in the same manner and at the same place, and continued for the same time as at elections for councilmen, and unless a majority of the electors voting at the poll vote in favour of the by-law; nor thirdly, unless the by-law is thereafter passed at some meeting of the Council of the Corporation of the Town of Owen Sound, held not less than ten days after taking the said vote, nor more than one calendar month, and at some meeting of said council. When Act to come in force by by-law.
- 25
- 30
- 35
- 40 **39.** If the proposed by-law is rejected at such poll, no other by-law for the same purpose shall be submitted to the electors during the current year. Limitation of by-law.
- 45 **40.** The by-law shall recite: (1) the title of this Act, (2) the amount of the estimated expenditure for water-works, (3) the amount of debt which it is intended to create by the construction of said water-works, which shall not exceed the amount of debentures authorized to be issued by this Act; Terms of by-law.
- (2.) The Council of the Town of Owen Sound shall name the returning officers and poll clerks to take the votes; Returning Officers, &c.
- (3.) The electors entitled to vote shall be such rate payers only as are voters on the last revised assessment roll of the Town of Owen Sound for an estate of freehold, either legal or equitable, of sufficient value to entitle them to vote at any municipal election, or of a leasehold, the duration of which
- 50 Voters and Voting.

shall not be less than ten years, or for life, and in the lease for which leasehold the lessee covenants to pay all town taxes ; and the clerk shall furnish the returning officers with a verified list of the electors ;

(4). Any ratepayer offering to vote on any such by-law may be required by the returning officer, or any ratepayer entitled to vote, on any such by-law, to make the following oath or affirmation before his vote is recorded : 5

I, A.B., do solemnly and sincerely make oath (*or affirm, as the case may be*) that I am the person named, or purporting to be named in the list of electors ; that I am a freeholder, or leaseholder (*as the case may be*) ; that my lease extends for the period of ten years from the time of making this oath or affirmation (*or for life*) ; that I am bound in such lease to pay all town taxes, and that I am, according to law, entitled to vote on the said by-law : 15

(5.) Any elector may vote in each ward of the town in which he shall have the necessary qualification ;

(6). Every returning officer shall, on the day after the closing of the poll, return his poll-book verified, to the Clerk of the Town of Owen Sound ; and in case of the loss or destruction of the poll-book, deliver a statement under oath, of the number of votes for and against the said by-law, at the time of the loss or destruction of the poll-book ; 20

(7.) The town clerk shall add up the number of votes for and against the same, and certify to the council whether the majority have affirmed or disapproved of the by-law. 25

Irregularities.  
of by-law.

**41.** No irregularity in the passing of the said by-law, or in the forms of the said debentures, authorised by this Act, in the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of said debentures and interest in any or either of them, or any part thereof. 30

Number of  
commission-  
ers.

**42.** There shall be not less than three nor more than five commissioners as may be decided by the council of the town of whom the Mayor of the Town of Owen Sound for the time being, shall be ex-officio one, and the others of whom shall be elected by the ratepayers of the said town, qualified by municipal law to vote for councilmen, in manner and for the term hereinafter mentioned and provided ; and the remuneration of the said commissioners shall be such as the Council of the Corporation of the Town of Owen Sound may, by by-law before their election, determine. 35 40

Term of office.

**43.** The said water commissioners shall hold office for the term of one year, except the commissioners first elected, who shall hold office until the third Monday of January next following their election ; and after the said first election, the commissioners shall be elected to the said office at the same time and in the same manner as councilmen ; and all the provisions and remedies of the Municipal Institutions Act, at any time in force with respect to councilmen, shall apply in all particulars 45 50

not inconsistent with this Act, to the said commissioners as to election, unseating, filling vacancies, grounds of disqualification and otherwise.

44. Whenever the by-law authorising the construction of the said water-works shall have been finally passed by the council, a meeting of the electors of the said town shall take place for the nomination of persons for the office of water commissioners, at such place as the council shall by by-law appoint; and the proceedings at such meetings shall be similar as in the case of the nomination for councilmen; but in case it becomes necessary to adjourn the proceedings by reason of more than the necessary number of candidates being proposed, such adjournment for holding the election shall be until the first Wednesday thereafter, being not less than five clear days, when a poll shall be opened in each ward of the town, at the place or near thereto where the then last municipal election was held, and in all particulars the election shall be conducted in the same manner as an election for councilmen.

Election of commissioners.

45. A water commissioner may resign his office and shall cease to hold office for the same cause as by municipal law the seat of a councilman in the council becomes vacant; in case of a vacancy in the office of water commissioner during the term of his office, the Council of the Corporation of Owen Sound shall appoint a person to fill that vacancy, and the person so appointed shall hold office for the residue of the time for which his predecessor was elected or appointed, for which the office is to be filled.

Resignations.

46. The said works shall be constructed, completed and finished except as to the laying of additional pipes and mains, within three years from the passing of said by-law authorising the construction of said water-works.

When works to be completed.

47. All work under the commissioners shall be performed by contract.

Contracts.

48. No commissioner or councilman shall personally have or hold any contract in connection with said works or be directly or indirectly interested in the same or any of them; no councilman shall be eligible for election or appointment as a water commissioner, and no water commissioner as councilman.

Commissioners or Councilmen not to be interested in works.

49. The water commissioners shall have the same qualifications as by municipal law councilmen are required to have, over and above all encumbrances, and shall before taking office and within ten days of their election or appointment, make oath to such qualification before some Justice of the Peace of the County of Grey, and deposit the same with the Town Clerk of the Corporation of the Town of Owen Sound.

Qualification.

50. Notwithstanding the provisions of this Act authorising the construction of the said water-works through the agency of commissioners, the Corporation of the Town of Owen Sound in the by-law authorising the construction of said water-works, and referred to in the thirty-eighth section of this Act, may declare that the said water-works shall not be constructed by or through the agency of commissioners, but instead thereof that the said water-works shall be constructed directly by the Corporation may construct works without appointment of commissioners.



said Corporation of the Town of Owen Sound; and in case the said corporation shall so desire to construct the said water-works, then all the powers, rights, authorities, duties and liabilities by this Act given to, granted or vested in the said commissioners, shall be vested in the said corporation, and the said corporation shall be vested with all the powers, privileges and immunities necessary for carrying into effect the intentions and objects of this Act. 5

Construction  
by nominee of  
Corporation.

**51.** In case the Corporation of the Town of Owen Sound shall not see fit to construct the said water-works by or through the agency of commissioners, or directly by the said corporation, the said corporation may in the by-law referred to in the thirty-eighth section of this Act, declare it advisable to have the said water-works constructed either by a corporate water company or by any other person or persons, and the said corporation may grant aid for the construction, in such manner as they may consider expedient. 10 15

By-law.

**52.** In case the Corporation of the Town of Owen Sound shall desire to construct the said water-works by either of the modes provided by the last two preceding sections of this Act, such mode shall be first approved of by a majority of the qualified voters, voting upon any by-law to be submitted for that purpose, and the question or questions respecting the adoption of either of such modes may be submitted by the council of the said corporation, for the approval of the qualified voters in the proposed by-law, mentioned in the thirty-eighth section of this Act, and the votes shall be given on each specific question which may be submitted, or the same may be submitted separately. 20 25

Powers to  
nominee.

**53.** The Corporation of the Town of Owen Sound shall have full power by by-law to confer on any person or persons or corporations that may undertake the construction of said water-works, all the powers, privileges and immunities necessary to acquire the lands, water and privileges necessary for the establishment and construction of said water-works and the management thereof when constructed, which by this Act are conferred upon the commissioners or the Corporation of the Town of Owen Sound. 30 35

Corporation  
may assume  
works.

**54.** The corporation of the town may, in case the construction of the work be intrusted to commissioners as hereinbefore provided, at any time assume the works, remove the commissioners and proceed with the works or if the corporation had originally undertaken the said works, but such assumption must be by by-law of the said corporation to be approved of by the municipal electors hereinbefore mentioned; said by-law to be published for the time and in the manner provided by the Municipal Act, and the vote of said electors to be taken in the manner and subject to the provisions hereinbefore mentioned. 40 45

By-law for  
construction of  
dry-dock  
legalized.

**55.** The By-law No. 212 of the Corporation of the Town of Owen Sound intituled, "By-law No. 212 to incur a debt of fifteen thousand dollars for the purpose of aiding in the construction of a Dry Dock in the Town of Owen Sound," is hereby declared legal and valid, and the debentures issued or to be issued under the said by-law binding and valid as if no defect existed in said by-law, any law or statute to the contrary notwithstanding. 50 55





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Third Session, Third Parliament, 41 Vic. 1378

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BILL.

An Act respecting Water-Works, and to validate By-law Number 212 of Owen Sound.

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First Reading,	1878,
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(PRIVATE BILL)

MR.

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TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act respecting Water-works and to validate By-law Number 212 of the Town of Owen Sound.

**W**HEREAS the construction of Water-works and a supply of water would conduce to the comfort of the inhabitants of the Town of Owen Sound, and afford means for the better protection from fire of property therein, and whereas the Council of the Corporation of the said town with the consent of the Municipal electors thereof, on the twenty-second day of November, one thousand eight hundred and seventy-five, finally passed a by-law entitled "By-law number 212, to incur a debt of fifteen thousand dollars, for the purpose of aiding in the construction of a Dry Dock in the Town of Owen Sound," and whereas, on the faith of said By-law The Owen Sound Dry Dock and Ship Building Company was incorporated and have constructed a Dry Dock in said Town and have received the debentures issued under said By-law, but are unable to sell them in consequence of doubts as to the power of the said Corporation to pass such by-law; and whereas the Council of the Corporation of said town have by petition asked to be authorised to construct, have and manage, as to them may seem meet, certain Water-works for said Town and that the said By-law No. 212 may be legalized and confirmed, and whereas it is expedient to grant the prayer of said Petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

**1.** The Corporation of the Town of Owen Sound by and through the agency of commissioners and their successors, to be elected and appointed as hereinafter provided, may and shall have power to design, construct, build, purchase, improve, hold and generally maintain, manage and conduct, water-works and all buildings, materials, machinery and appliances therewith connected or necessary thereto in the Town of Owen Sound and parts adjacent, as hereinafter provided.

**2.** The commissioners and their successors shall be a body corporate under the name of "The Water Commissioners for the Town of Owen Sound," and shall be composed of not less than three and not more than five members, as the council of said town may decide, of whom the Mayor of the Town of Owen Sound shall be *ex officio* one; and the said commissioners shall have all the powers necessary to enable them to build the water-works hereinafter mentioned, and to carry out all and every the other powers conferred upon them by this Act.

Duties of Commissioners.

3. It shall be the duty of the said commissioners to examine, consider and decide upon all matters relative to supplying the said Town of Owen Sound with a sufficient quantity of pure and wholesome water for the use of its inhabitants.

Powers of Commissioners.

4. The commissioners shall have power to employ engineers, surveyors and such other persons, and to rent or purchase such lands, buildings, waters and privileges as in their opinion may be necessary to enable them to fulfil their duties under this Act.

Power to acquire lands, arbitration, &c.

5. It shall and may be lawful for the said commissioners, 10  
their agents, servants and workmen from time to time and at such times hereafter as they shall see fit, and they are hereby authorised and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, in the Town of Owen Sound or within five miles of the said town, and to 15  
survey, set out and ascertain such parts thereof as they may require for the purposes of the said water-works: also to divert and appropriate any river, pond of water, spring, or stream of water therein, as they shall judge suitable and proper, and to contract with the owner or occupier of the said lands, and those 20  
having a right in the said water for the purchase thereof or of any part thereof, or of any privilege that may be required for the purposes of the said water commissioners; and in case of any disagreement between the said commissioners and the owners or occupiers of such lands, or any person having an in- 25  
terest in the said water or the natural flow thereof, or any such privilege as aforesaid respecting the amount of purchase or value thereof, or as to the damages such appropriation shall cause to them or otherwise, the same shall be decided by three arbitrators, to be appointed as hereinafter mentioned, namely, 30  
the commissioners shall appoint one, the owner or owners shall appoint another, and such two arbitrators shall within ten days after their appointment appoint a third arbitrator; but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid the Judge of the County Court of the 35  
County of Grey shall, on application by either party appoint such third arbitrator; in case any such owner or occupier shall be an infant, married woman, or insane, or absent from this Province, or shall refuse to appoint an arbitrator on his or her behalf, in case such land, land or water privileges be mort- 40  
gaged or pledged to any person or persons the Judge of the said County Court, on application being made to him for that purpose by the commissioners, shall nominate and appoint three indifferent persons as arbitrators; the arbitrators to be ap-  
pointed as hereinbefore mentioned shall award, determine, 45  
adjudge and order the respective sums of money which the said commissioners shall pay to the respective persons entitled to receive the same; and the award of the majority of the said arbitrators in writing shall be final; and the said arbitrators shall be, and they are hereby required to attend at some con- 50  
venient place at or in the vicinity of the said town, to be appointed by the said commissioners after eight days' notice given for that purpose by the said commissioners there and then to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the 55  
parties interested, and also the costs attending said reference and award; and each arbitrator shall be sworn before some one



of Her Majesty's Justices of the Peace in and for the said County of Grey, well and truly to assess the value or damages between the parties to the best of his judgment; and the Justice of the Peace before whom the said arbitrators or any of  
 5 them shall be sworn, shall give either of the parties requiring the same a certificate to that effect—Provided always, that any award under this Act shall be subject to be set aside on application to the Court of Queen's Bench or Common Pleas, in the same manner and on the same grounds as in ordinary cases of  
 10 arbitration, in which case a reference may be again made to arbitration as hereinbefore provided; and that any sum so awarded shall be paid within three calendar months from the date of the award or determination of any motion to annul the same, and in default of such payment the proprietor may  
 15 resume possession of his property, and all his rights shall thereupon revive, and the award of the majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid.

6. The lands, privileges and water which shall be ascer-  
 20 tained, set out or appropriated by the said commissioners for the purposes thereof as aforesaid, shall thereupon and forever thereafter be vested in the Corporation of the Town of Owen Sound and their successors; and it shall and may be lawful for the said commissioners and their successors to construct, erect  
 25 and maintain in and upon the said lands all such reservoirs, water-works and machinery requisite for the said undertaking, and to convey the water thereto and therefrom, in, upon or through any of the grounds and lands lying intermediate between the said reservoirs and water-works and the springs,  
 30 streams, rivers or ponds or waters from which the same are procured, and the said Town of Owen Sound by one or more lines of pipes as may from time to time be found necessary; and for the better effecting the purpose as aforesaid, the said commissioners and their successors and servants are hereby  
 35 empowered to enter and pass upon and over the said grounds, roads, highways, railways and lands intermediate as aforesaid, and the same to cut and dig up if necessary, and to lay down the said pipes through the same and in, upon, over, under and through the ways, railways and roads within five miles of  
 40 the Town of Owen Sound, and in, through, over and under the public highways, streets, lanes, railways or other passages within the said Town of Owen Sound, and in, upon, through, over and under the lands, grounds and premises of any person or persons, bodies corporate, politic or collegiate, or any lands of  
 45 the Crown, and to set out, ascertain, use and occupy such part or parts thereof as they, the said commissioners or their successors shall think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the same, and for the purchasing of any lands re-  
 50 quired for the protection of the said works or for preserving the purity of the water supply, or for taking up, removing, altering or repairing the same, and for distributing water to the inhabitants of the Town of Owen Sound, or for the uses of the corporation of the said town or of the proprietors or occu-  
 55 piers of the land through or near which the same may pass; and for this purpose to sink and lay down pipes, tanks, reservoirs and other conveniences, and from time to time to alter all or any of the said works as well in the position as in the con-

Proviso.

Lands to be vested in the Corporation.

Powers of Commissioners.

struction thereof, as to the said commissioners or their successors shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors to be ascertained in case of disagreement by arbitration as aforesaid 5 and all such water-works, pipes, erections and machinery requisite for the said undertaking shall likewise be vested in and be the property of the said Corporation of the Town of Owen Sound.

Injury, &c.,  
to Works.

7. If any person shall wilfully or maliciously hinder or in- 10  
terrupt, or cause or procure to be hindered or interrupted, the  
said commissioners or their managers, contractors, servants,  
agents, workmen or any of them in the exercise of any of the  
powers and authorities in this Act authorised and contained, or  
if any person shall wilfully or maliciously let off, or discharge 15  
any water so that the same shall run to waste, or useless out of  
the said works, or if any person shall throw or deposit any in-  
jurious, noisome or offensive matter into the said water or  
water-works, or upon the ice, or in any way foul the same or  
commit any wilful damage or injury to the works, pipes or 20  
water, or encourage the same to be done; every person offend-  
ing in any of the cases aforesaid shall, on conviction thereof,  
before any Justice of the Peace having jurisdiction within the  
locality where the offence shall be committed, forfeit and pay  
for every such offence a sum not exceeding twenty dollars 25  
together with the costs of conviction, one-half to be applied to  
the use of the commissioners for water-works purposes and the  
other half to him or her who shall lay information, and in case  
the parties suing for the same shall be the commissioners them-  
selves, or any of their servants, officers, agents or workmen, 30  
then the whole of the said penalty shall be applied to the use of  
the commissioners for water-works purposes; and such justice  
may also in his discretion further condemn such person to be  
confined in the common gaol of the County of Grey for any  
period not exceeding one calendar month, as to such justice 30  
shall seem meet; and such person or persons so offending shall  
be liable to an action at law at the suit of the commissioners to  
make good any damage done by him, her or them.

Books and  
accounts.

8. The commissioners shall be and they are hereby required 35  
to keep, or cause to be kept, regular books of account and books  
for recording the whole of their official proceedings; and the  
commissioners and the clerks employed in their service shall be  
sworn before a Justice of the Peace to the faithful performance  
of their duties; and all such books shall be open to the exam- 40  
ination of any member of the Town Council of the Town of  
Owen Sound, or of any person or persons appointed for that  
purpose by the Corporation of the Town of Owen Sound; and  
shall annually, on or before the thirty-first day of December in  
each and every year make a report to the Corporation of the 45  
Town of Owen Sound of the condition of the works under their  
charge, accompanied by a statement of their receipts and ex-  
penditures on account of the same.

Report.

Annual state-  
ment.

9. The commissioners and their successors shall from time 50  
to time in each year, deliver to the council of said corporation  
such other statement of the affairs of the said water-works as  
the said corporation may consider necessary and which will



afford to the citizens of the Town of Owen Sound a full and complete knowledge of the state of affairs of the said water-works, and such information as may be required by the Corporation of the Town of Owen Sound; and all the accounts relating to the said water-works may be audited by the auditor of the said corporation in regular course. Audit.

**10.** The commissioners for the time being, shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time shall fix the prices for the use thereof and the times of payment; and they may erect such number of public hydrants and in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used, all which they may change at their discretion; Provided always, that all hydrants, conduits or other appliances which the Corporation of the Town of Owen Sound may require under this Act, for the purpose of extinguishment of fires, shall be placed as the Corporation of the Town of Owen Sound shall direct, and shall be under their exclusive control and direction when erected. Regulation for use of water.

**11.** The commissioners shall have power and authority, and it shall be their duty from time to time to fix the price, rate or rent, (such price, rate or rent not being less after the completion of the works than sufficient to pay the interest and sinking fund upon the debentures issued for the construction of the works and the expenses of maintaining and working the same) which any owner or occupant of any house, tenement, lot or part of a lot or both, in, through or past which the water-pipes shall run, shall pay as water rate, or rent, whether such owner or occupant shall use the water or not, having due regard to the assessment and to any special benefit and advantage derived by such owner or occupant or conferred upon him or her or their property by the water-works, and the locality in which the same is situated; and such water rate or rent as shall be assessed by such commissioners upon such owner or occupant, shall be and continue a lien or charge unless paid upon such real estate in the same way and manner as other taxes assessed on real estate in the Town of Owen Sound are liens; and the water commissioners shall also have power and authority from time to time to fix the rate or rent to be paid for the use of the water by hydrants, fire plugs and public buildings; and in order to prevent the waste of water and settle disputes arising therefrom as to the quantity supplied to any consumer, the said commissioners are hereby empowered to erect or place water meters or other water measuring apparatus on the premises of the consumer whenever they may deem it expedient so to do, the cost thereof to be borne by such consumer. Water-rate.

**12.** All water rates and water rents when collected, less disbursements by the commissioners shall be paid over monthly by the said commissioners to the Treasurer of the Town of Owen Sound. Payment of rates to Treasurer.

**13.** The commissioners shall have power from time to time to make and enforce all necessary by-laws, rules and regulations for the general maintenance or the management or conduct of the said water-works, officers and others employed by them, not inconsistent with this Act, and for the collection of the said By-laws.

water rent and water rate, and for fixing the time and times (which shall be quarterly) when, and the places where the same shall be payable, also for allowing a discount for prepayment, and in case of default in payment to enforce payment by shutting off the water, or by suit at law before any Court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or occupant, wherever the same may be found within the Town of Owen Sound or County of Grey, or of any goods and chattels found on the premises the property of or in the possession of any other occupant of the premises; such distress and sales shall be conducted in the same manner as sales are now conducted for arrears of town taxes and the costs chargeable shall be those payable to bailiffs under the Division Court Act: Provided that the attempt to collect such rates by any process hereinbefore mentioned shall not in any way invalidate the lien upon such premises, and in the event of any such rate uncollected and unpaid and continuing a lien upon the premises as hereinbefore provided, the amount of such rate so in arrears shall be returned by the commissioners to the Treasurer of the Town of Owen Sound, annually, on or before the eighth day of April in each and every year, and the same together with interest at the rate of ten per cent. per annum thereon shall thereupon be collected by such treasurer by the sale of the lands and premises in the same manner and subject to the same provisions as in case of the sale of non-resident lands for arrears of municipal taxes.

Commissioners may sue or be sued.

**14.** The commissioners may prosecute or defend any actions or process at law or in equity by the name of "The Water Commissioners of the Town of Owen Sound," against any person or persons for money due for the use of the water, for the breach of any contract express or implied, touching the execution or management of the works or the distribution of the water or of any promise or contract made to or with them, and also for any injury or trespass or nuisance done or suffered to the water courses, source of water supply, pipes, machinery or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water, or for anything otherwise arising out of their said office as commissioners.

Appointment of collectors, &c.

**15.** The commissioners shall have power with the consent of the Corporation of the Town of Owen Sound to employ the town collectors, assessors and such other persons as in their opinion may be necessary to carry out the object of this Act, and to specify the duties of such persons so employed and to fix their compensation; and all such persons shall hold their offices under the commissioners at the pleasure of the commissioners, or as they shall determine by by-law in that behalf, and shall give such security as the commissioners shall from time to time require; and such assessors and collectors shall have as full power in the performance and enforcement of the matters to them committed as the collectors and assessors in the Town of Owen Sound may by law possess and enjoy.

Protection of officers.

**16.** The commissioners and their officers shall have the like protection in the exercise of their respective offices and the execution of their duties as Justices of the Peace now have under the laws of this Province.



17. If any person or persons shall lay or cause to be laid any pipe or main to communicate with any pipe or main of the said water-works, or in any way obtain or use any water thereof without the consent of the commissioners he or they shall forfeit and pay to the commissioners for water-works purposes the sum of fifty dollars, and also a further sum of five dollars for each day, or part of a day or night or part of a night *during* which *such* pipe or main shall so remain, which said sums together with costs of suit in that behalf may be recovered by civil action in any court of law in the Province having civil jurisdiction to that amount.

Using water  
without con-  
sent.

18. If any person shall bathe or wash or cleanse any cloth, wool, leather, skin or animals, or place any nuisance or offensive thing within the distance of one mile from the source of supply for such water-works in any river, pond, creek, spring, source or fountain from which the water of the said water-works is obtained, or shall convey or cast or throw or put any filth, dirt, dead carcase or other noisome or offensive things therein, or within the distance as above set out, or cause, permit, or suffer the water of any sink, sewer or drain to run or be conveyed into the same, or cause any other thing to be done whereby the water therein may be in any way tainted or fouled, every such person shall, on conviction thereof before any Justice of the Peace, be by such justice adjudged and condemned to pay a penalty for every such offence not exceeding twenty dollars together with costs, one-half to be applied for water-works purposes and the other half to him or her who shall lay the information, and in case the party laying such information be the commissioners themselves, or any of their officers or servants, then the whole of said penalty shall be applied to the uses of the commissioners for water-works purposes, and such justice may also in his discretion further condemn such person to be confined in the common gaol of said county for a space of time not exceeding one calendar month with or without hard labour as to such justice may seem meet.

Fouling  
water.

19. It shall and may be lawful for the commissioners, and they are hereby authorised and empowered to make such by-laws as to them shall seem requisite and necessary for prohibiting by fine not exceeding twenty dollars for water-works purposes or imprisonment not exceeding one calendar month, the amount of such fine and duration of such imprisonment and also the option between fine and imprisonment with or without hard labour, being always in the discretion of the Justice of the Peace before whom any proceedings may be taken for enforcement thereof, any person being occupant, tenant or inmate of any house supplied with water from the said water-works, from lending, selling or disposing of the water thereof, from giving it away or permitting it to be taken or carried away or from using or applying it to the use or benefit of others, or to any other than his, her or their own use and benefit, or from increasing the supply of water agreed for with the said commissioners, or from wrongfully neglecting or improperly wasting the water, as also for regulating the time, manner, extent and nature of the supply by the said works, the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor and each and every other matter or thing related to or connected therewith, with which it may

By-laws to  
prohibit fraud.

be necessary or proper to direct, regulate or determine for issuing to the inhabitants of the town a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the commissioners with regard to the water so supplied.

5

Vacant  
spaces.

**20.** In all cases where a vacant space intervenes between the line of the street and the wall of the building into which the water is to be taken, the commissioners are empowered to lay the service pipes across such vacant space and charge the cost of the same to the owners of the premises, such charge to be payable with the first payment of water rates and to be collected in the same manner from the said owners.

Service-pipes.

**21.** The service pipes from the line of street to the interior face of the outer wall of the building supplied together with all branches, couplings, stopcocks and apparatus placed therein by the commissioners shall be under their control, and if any damage be done to this portion of the service pipe or its fittings either by neglect or otherwise, the commissioners may repair the same and charge the same to the occupant or the owner of the premises. The stopcock placed by the commissioners inside of the wall of the building shall not be used by the water tenant except in cases of accident or for the protection of the building or the pipes and to prevent flooding of the premises.

Taps.

**22.** All parties supplied with water by the commissioners, may be required to place only such taps for drawing and shutting off the water as may be approved of by the commissioners.

Non-liability  
for damages.

**23.** Neither the water commissioners nor the Corporation of the Town of Owen Sound shall be liable for damages caused by the breaking of any service-pipe or attachment or for any shutting off of the water to repair mains or to tap the pipes, provided notice be given of the intention to shut off the water when the same is shut off more than six hours at any one time.

Power to inspect  
buildings.

**24.** It shall be lawful for the officers of the water commissioners and every person authorised by them for that purpose to have free access at proper hours of the day and upon reasonable notice given and request made for that purpose to all parts of every building in which water is delivered and consumed.

Penalty for injury to  
hydrant, &c.

**25.** If any person or persons not being in the employment of the water commissioners, or not being a member of the fire brigade of the said town, and duly authorised in that behalf, shall wilfully open or close any hydrant or obstruct the free access to any hydrant, stopcock, chamber or hydrant chamber by placing on it any building material, rubbish or otherwise, every such person shall on conviction before any of Her Majesty's Justices of the Peace, forfeit and pay for each offence a sum not exceeding twenty dollars *to be apply to the use of the Commissioners* for water-works purposes, or in default of payment be imprisoned in the common gaol of the county for a term not exceeding thirty days, and each time the said hydrants are so interfered with, and each day or part of a day, night or part of a night such obstruction shall continue, shall be considered a separate offence.



**26.** A majority of said commissioners shall constitute a quorum for the transaction of any business allowed or required by virtue of this Act.

**27.** The water commissioners are hereby empowered to arrange for the extension of pipes in suburbs and partially built portions of the town by allowing a deduction from the price charged for the water to such extent as the commissioners shall see fit when the said pipes are laid at the cost of the parties under the directions of the commissioners and subject to their approval; or the commissioners may lay the pipes charging the said parties, in addition to the usual water-rates a yearly interest upon the cost of such extension, which interest or such portion thereof as shall then be due shall be paid at the same time, and collected in the same manner as the water-rates.

Extension of pipes to suburbs.

**28.** The water commissioners shall have power and authority to supply any corporation, person or persons with water, although not being resident within the Town of Owen Sound, and may exercise all other powers necessary to the carrying out of their agreement with such corporation or persons as well within the suburbs of as within the Town of Owen Sound, and they may also from time to time make and carry out any agreement which they may deem expedient for the supply of water to any railway company or manufactory: Provided that no power shall be exercised under this section without the consent and approbation of the Corporation of the Town of Owen Sound.

To other Municipalities.

**29.** The lands, buildings, machinery, reservoirs, pipes and all other real or personal property connected with or appertaining or belonging to the water-works shall be exempt from taxation.

Exemption from taxation.

**30.** If any action or suit be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed, or in case there shall be a continuation of damages then within one year after the original cause of such action arising.

Limitation of actions.

**31.** The watchman and other officers of the water commissioners, when in the discharge of their duties, shall be *ex-officio* possessed of all the powers and authority of officers of the peace.

Officers to be *ex-officio* officers of the peace.

**32.** For the purpose of acquiring the necessary lands, rights and privileges and constructing the said water-works, and for the extension and repairs of the said water-works or for the purpose of meeting the payment of any other matter or thing contemplated or allowed by this Act, the Corporation of the Town of Owen Sound shall have power to issue debentures of the said Town of Owen Sound to be called "Water-works Debentures," for a sum of money not exceeding one hundred thousand dollars of lawful money of Canada, in such sums not less than one hundred dollars, or twenty pounds sterling money, as shall to said corporation seem expedient; which debentures shall become payable in manner, and at the times following, that is to say, within a period of thirty years from the date of

Corporation may issue debentures.



the respective issues thereof; and shall bear interest after a rate not exceeding seven per centum per annum, such interest to be payable half yearly and shall have coupons attached for the payment of the said half yearly interest; and such debentures shall be signed by the mayor and treasurer of the said town for the time being and may be made payable either in sterling or currency in this Province, Great Britain, or elsewhere, as to the Council of the Corporation of the Town of Owen Sound shall seem expedient; and the Corporation of the Town of Owen Sound and their successors shall for the purpose of providing a sinking fund for the payment of the said debentures as aforesaid, and the interest on the same semi-annually, raise annually after the completion of the said works or at the expiration of three years from the date of the first issue of such debentures such sums as may be necessary to pay the interest upon and provide a sinking fund to meet the whole of such debentures in full, as the same shall become due respectively, and shall order a rate for that purpose to be settled, imposed and levied in each and every year to pay the said principal and interest on such debentures: But every by-law for raising upon the credit of the said municipality any money for water-works purposes shall before the final passing thereof receive the assent of the municipal electors of the Town of Owen Sound in the manner provided for in the two hundred and thirty-first section of the Municipal Institutions Act.

Custody of  
debentures.

Payment of  
proceeds.

**33.** Such debentures when issued shall be deposited in some of the chartered banks having an office in the Town of Owen Sound; and the proceeds of such debentures shall be paid into some chartered bank and kept separate from any other funds of the said town, and the same shall only be paid out on the cheque of the mayor and treasurer for the time being of the Town of Owen Sound and the chairman for the time being of the said water commissioners as may from time to time be required for the payment and discharge of the liabilities that may be incurred in carrying out the improvements contemplated by this Act and for the payment of interest accruing due on the said debentures during the period of the erection and completion of the said water-works; Provided always, that nothing herein contained shall prevent the commissioners should they deem it advisable so to do, from paying the contractor or contractors or others in debentures either at par or at such rate of discount as the commissioners shall in their judgment deem advisable with the assent of the Corporation of the Town of Owen Sound thereto nor from selling or negotiating the same, as to them may seem most expedient and advantageous to the interests of the Town of Owen Sound.

Lien of debenture  
holders.

**34.** The said water-works to be erected and constructed under this Act and also the lands to be acquired for the purpose thereof and every matter and thing therewith connected shall be, and they are hereby specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be borrowed by the said corporation for the purposes of this Act as well as for the due and punctual payment of the interest thereupon, and all, each and every of the holders of the debentures in the last previous section mentioned shall have a preferential pledge, mortgage or hypothec or privilege on the said lands, water-works and property appertaining thereto, for securing the payment of the said debentures and the interest thereon.

**35.** After the construction of the works, all the revenues arising from or out of the supplying of water or from the real or personal property connected with the said water-works to be acquired by the said corporation under this Act shall, after  
 5 providing for the expenses attendant upon the maintenance of the said water-works be paid over to and deposited monthly with the treasurer of the said Corporation of the Town of Owen Sound, as hereinbefore provided, and shall make part of the general funds of the corporation, and may be applied accordingly.  
 10

Application of  
revenue.

**36.** The Corporation of the Town of Owen Sound may dispose of any real or personal property acquired by them for water-works purposes, when no longer required and until sold, demise and lease the same.

Disposal of  
property.

**37.** This Act shall not have any force or effect until the Council of the Corporation of the Town of Owen Sound shall pass a by-law authorizing the construction of the said water-works; but no by-law shall be passed, firstly, until estimates of the intended expenditures have been published for one  
 20 month, and notice of the time appointed for taking a poll of the electors on the proposed by-law, has been published for one month, and a copy of the proposed by-law at length, as the same may be ultimately passed in council (except the date thereof) has been published for one month in some newspaper in the  
 25 Town of Owen Sound; nor secondly, until a poll has been held in the same manner and at the same place, and continued for the same time as at elections for councilmen, and unless a majority of the electors voting at the poll vote in favour of the by-law; nor thirdly, unless the by-law is thereafter passed at  
 30 some meeting of the Council of the Corporation of the Town of Owen Sound, held not less than ten days after taking the said vote, nor more than one calendar month, and at some meeting of said council.

When Act to  
come in force  
by by-law.

**38.** If the proposed by-law is rejected at such poll, no other by-law for the same purpose shall be submitted to the electors during the current year.

Limitation of  
by-law.

**39.** The by-law shall recite: (1) the title of this Act, (2) the amount of the estimated expenditure for water-works, (3) the amount of debt which it is intended to create by the construction of said water-works, which shall not exceed the amount of debentures authorized to be issued by this Act;

Terms of by-  
law.

(2.) The Council of the Town of Owen Sound shall name the returning officers and poll clerks to take the votes;

Returning  
Officers, &c.

(3.) The electors entitled to vote shall be such rate payers only as are voters on the last revised assessment roll of the Town of Owen Sound for an estate of freehold, either legal or equitable, of sufficient value to entitle them to vote at any municipal election, or of a leasehold, the duration of which shall not be less than ten years, or for life, and in the lease for  
 45 which leasehold the lessee covenants to pay all town taxes; and the clerk shall furnish the returning officers with a verified list of the electors;

Voters and  
Voting.

(4). Any ratepayer offering to vote on any such by-law may be required by the returning officer, or any ratepayer entitled to vote, on any such by-law, to make the following oath or affirmation before his vote is recorded :

I, A.B., do solemnly and sincerely make oath (or affirm, *as the case may be*) that I am the person named, or purporting to be named in the list of electors ; that I am a freeholder, or leaseholder (*as the case may be*) ; (*and if the person votes as a leaseholder, then insert these words*) " that my lease extends for the period of ten years from the time of making this oath or affirmation (*or for life*) ; that I am bound in such lease to pay all town taxes " and that I am, according to law, entitled to vote on the said by-law :

(5.) Any elector may vote in each ward of the town in which he shall have the necessary qualification ;

(6). Every returning officer shall, on the day after the closing of the poll, return his poll-book verified, to the Clerk of the Town of Owen Sound ; and in case of the loss or destruction of the poll-book, deliver a statement under oath, of the number of votes for and against the said by-law, at the time of the loss or destruction of the poll-book ;

(7.) The town clerk shall add up the number of votes for and against the same, and certify to the council whether the majority have affirmed or disapproved of the by-law.

Irregularities  
of by-law.

**40.** No irregularity in the passing of the said by-law, or in the forms of the said debentures, authorised by this Act, in the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of said debentures and interest in any or either of them, or any part thereof.

Number of  
commission-  
ers.

**41.** There shall be not less than three nor more than five commissioners as may be decided by the council of the town of whom the Mayor of the Town of Owen Sound for the time being, shall be ex-officio one, and the others of whom shall be elected by the ratepayers of the said town, qualified by municipal law to vote for councilmen, in manner and for the term hereinafter mentioned and provided ; and the remuneration of the said commissioners shall be such as the Council of the Corporation of the Town of Owen Sound may, by by-law before their election, determine.

Term of office.

**42.** The said water commissioners shall hold office for the term of one year, except the commissioners first elected, who shall hold office until the third Monday of January next following their election ; and after the said first election, the commissioners shall be elected to the said office at the same time and in the same manner as councilmen ; and all the provisions and remedies of the Municipal Institutions Act, at any time in force with respect to councilmen, shall apply in all particulars not inconsistent with this Act, to the said commissioners as to election, unseating, filling vacancies, grounds of disqualification and otherwise.



**43.** Whenever the by-law authorising the construction of the said water-works shall have been finally passed by the council, a meeting of the electors of the said town shall take place for the nomination of persons for the office of water commissioners, at such place as the council shall by by-law appoint; and the proceedings at such meetings shall be similar as in the case of the nomination for councilmen; but in case it becomes necessary to adjourn the proceedings by reason of more than the necessary number of candidates being proposed, such adjournment for holding the election shall be until the first Wednesday thereafter, being not less than five clear days, when a poll shall be opened in each ward of the town, at the place or near thereto where the then last municipal election was held, and in all particulars the election shall be conducted in the same manner as an election for councilmen.

**44.** A water commissioner may resign his office and shall cease to hold office for the same cause as by municipal law the seat of a councilman in the council becomes vacant; in case of a vacancy in the office of water commissioner during the term of his office, the Council of the Corporation of Owen Sound shall appoint a person to fill that vacancy, and the person so appointed shall hold office for the residue of the time for which his predecessor was elected or appointed, for which the office is to be filled.

**45.** The said works shall be constructed, completed and finished except as to the laying of additional pipes and mains, within three years from the passing of said by-law authorising the construction of said water-works.

**46.** All work under the commissioners shall be performed by contract.

**47.** No commissioner or councilman shall personally have or hold any contract in connection with said works or be directly or indirectly interested in the same or any of them; no councilman shall be eligible for election or appointment as a water commissioner, and no water commissioner as councilman.

**48.** The water commissioners shall have the same property qualifications as by municipal law councilmen are required to have, over and above all encumbrances, and shall before taking office and within ten days of their election or appointment, make oath to such qualification before some Justice of the Peace of the County of Grey, and deposit the same with the Town Clerk of the Corporation of the Town of Owen Sound.

**49.** Notwithstanding the provisions of this Act authorising the construction of the said water-works through the agency of commissioners, the Corporation of the Town of Owen Sound in the by-law authorising the construction of said water-works, and referred to in the thirty-seventh section of this Act, may declare that the said water-works shall not be constructed by or through the agency of commissioners, but instead thereof that the said water-works shall be constructed directly by the said Corporation of the Town of Owen Sound; and in case the said corporation shall so desire to construct the said water-works, then all the powers, rights, authorities, duties and liabilities by this Act given to, granted or vested in the said com-

missioners, shall be vested in the said corporation, and the said corporation shall be vested with all the powers, privileges and immunities necessary for carrying into effect the intentions and objects of this Act.

Construction  
by nominee of  
Corporation.

**50.** In case the Corporation of the Town of Owen Sound shall not see fit to construct the said water-works by or through the agency of commissioners, or directly by the said corporation, the said corporation may in the by-law referred to in the thirty-seventh section of this Act, declare it advisable to have the said water-works constructed either by a corporate water company or by any other person or persons. 5 10

By-law.

**51.** In case the Corporation of the Town of Owen Sound shall desire to construct the said water-works by either of the modes provided by the last two preceding sections of this Act, such mode shall be first approved of by a majority of the qualified voters, voting upon any by-law to be submitted for that purpose, and the question or questions respecting the adoption of either of such modes may be submitted by the council of the said corporation, for the approval of the qualified voters in the proposed by-law, mentioned in the thirty-seventh section of this Act, and the votes shall be given on each specific question which may be submitted, or the same may be submitted separately. 15 20

Powers to  
nominee.

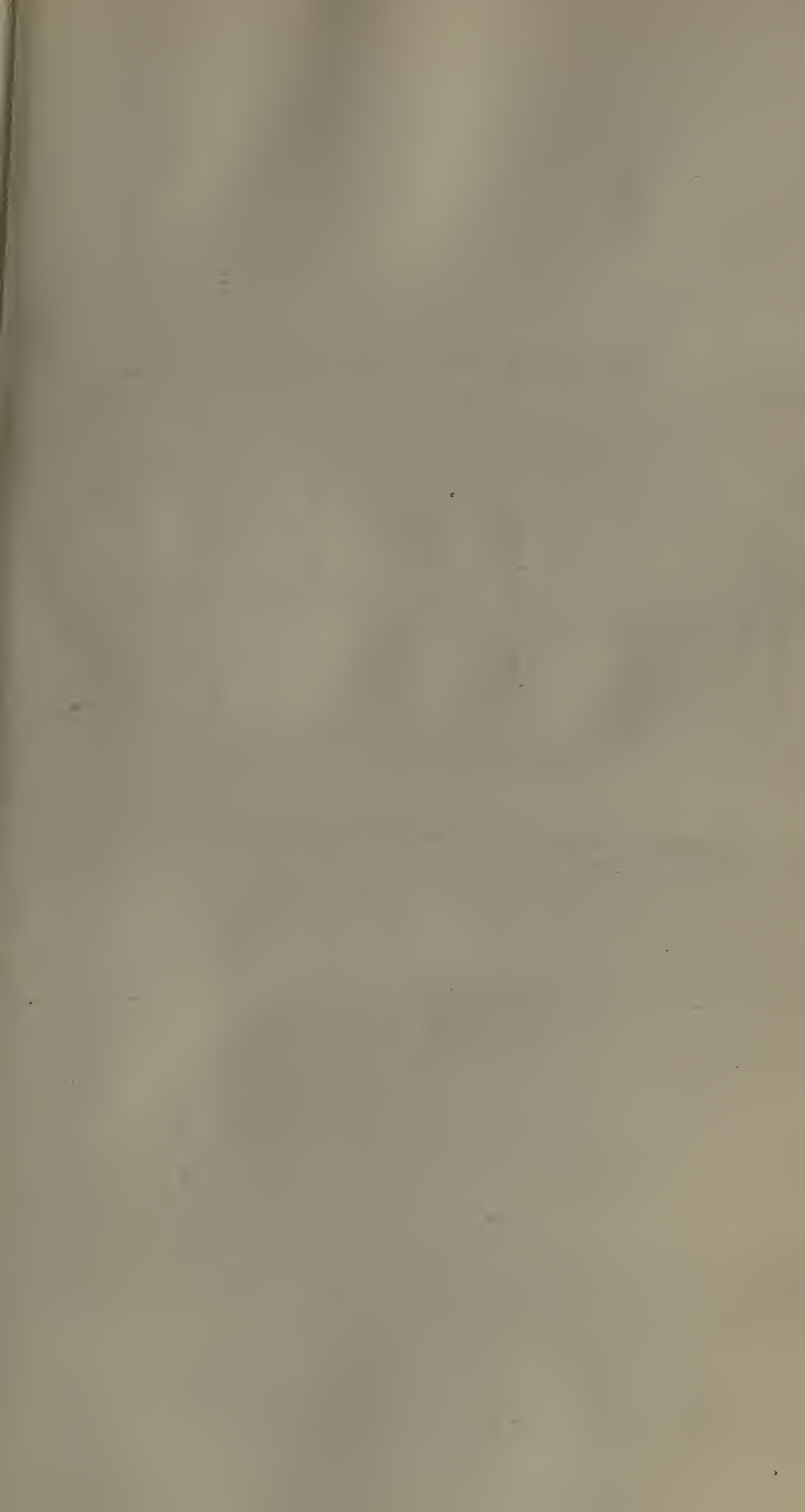
**52.** The Corporation of the Town of Owen Sound shall have full power by by-law to confer on any person or persons or corporations that may undertake the construction of said water-works, all the powers, privileges and immunities necessary to acquire the lands, water and privileges necessary for the establishment and construction of said water-works and the management thereof when constructed, which by this Act are conferred upon the commissioners or the Corporation of the Town of Owen Sound. 25 30

Corporation  
may assume  
works.

**53.** The corporation of the town may, in case the construction of the work be intrusted to commissioners as hereinbefore provided, at any time assume the works, remove the commissioners and proceed with the works as if the corporation had originally undertaken the said works, but such assumption must be by by-law of the said corporation to be approved of by the municipal electors hereinbefore mentioned; said by-law to be published for the time and in the manner, and the vote of said electors to be taken in the manner *hereinbefore provided as by the by-law mentioned in section thirty-seven of this Act.* 35 40

By-law for  
construction of  
dry-dock  
legalized.

**54.** The By-law No. 212 of the Corporation of the Town of Owen Sound intituled, "By-law No. 212 to incur a debt of fifteen thousand dollars for the purpose of aiding in the construction of a Dry Dock in the Town of Owen Sound," is hereby declared legal and valid, and the debentures issued or to be issued under the said by-law binding and valid as if no defect existed in said by-law, any law or statute to the contrary notwithstanding. 45 50





BILL.

An Act respecting Water-Works, and to validate By-law Number 212 of Owen Sound.

*(Reprinted as Amended.)*

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First Reading, Jan. 23rd, 1878.

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*(PRIVATE BILL.)*

Mr. CREIGHTON.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to amend the Synod and Rectory Sales Acts  
affecting the Diocese of Toronto.

**W**HEREAS the Incorporated Synod of the Diocese of Toronto have petitioned that the powers and provisions granted to the Diocese of Ontario by the Act passed in the thirty-ninth year of the reign of Her Majesty, chaptered one hundred and nine, and intituled "An Act to amend the Synod and Rectory Sales Acts affecting the Diocese of Ontario," may, so far as the same may be applicable, be extended to the Diocese of Toronto, and whereas it is expedient to grant the prayer of the said petition :  
Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The several powers and authorities vested in the Diocese of Ontario under sections one, two and three of the said Act passed in the thirty-ninth year of the reign of Her Majesty, chaptered one hundred and nine, and intituled "An Act to amend the Synod and Rectory Sales Acts affecting the Diocese of Ontario," are hereby made applicable to, and are extended to and vested in, the said Diocese of Toronto.

39 Vic. chap.  
109, secs. 1, 2  
and 3, appli-  
cable to  
Diocese of  
Toronto.

2. No incumbent of any rectory in the Diocese of Toronto who may be inducted therein after the passing of this Act shall receive out of the proceeds of such sales, invested as in the said Rectory Act last mentioned, a sum larger than will, together with the rents, issues and profits of the lands of the said rectory of which he is incumbent then remaining unsold, amount to the sums following, that is to say—as to the Rectory of St. James in the City of Toronto a sum of five thousand dollars a year: as to the rectories in towns to the extent of two thousand dollars a year; and in other places the sum of one thousand six hundred dollars a year: Provided that such Incorporated Synod may from time to time by resolution, by-law or canon, alter or vary the aforesaid amounts, but so that the incumbent of the said Rectory of St. James shall not receive less than the said sum of five thousand dollars a year; and all and any excess of interest arising from the proceeds of such sales and of the rents, issues and profits of the lands of such rectory respectively remaining unsold beyond such annual payments aforesaid shall be apportioned to and divided among the incumbents of the other churches of the Church of England in the said City, and such other places in which the lands belonging to such rectory are situate or which to such rectory belong respectively, in such proportions as such Incorporated Synod shall by resolution, by-law or canon, from time to time order and direct.

Limitation o  
payments to  
incumbents.

Third Session Third Parliament, 41 Vic. 1878.

BILL.

An Act to amend the Synod and Rectory  
Sales Acts affecting the Diocese of To-  
ronto.

First Reading,	1878.
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(*PRIVATE BILL.*)

MR. BETHUNE.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.



An Act respecting the Debt of the County of Frontenac.

**W**HEREAS the Corporation of the County of Frontenac Preamble.  
 have at various times passed certain By-laws authorizing the issue of Debentures, such By-laws being respectively numbered 82, 100, 122, 141, and 148; And whereas doubts  
 5 have arisen as to the legality of said By-laws, and it is expedient to remove such doubts, and to confirm the said By-laws; And whereas the said Corporation of the County of Frontenac have also petitioned to be authorized to consolidate the debt of the said Corporation, which amounts to the sum of two  
 10 hundred and sixty-two thousand four hundred dollars, of which one hundred and fifty thousand dollars is the bonus granted by the said Corporation to the Kingston and Pembroke Railway Company, and twenty thousand dollars is for interest on said bonus, and to borrow the said sum of two hundred and sixty-  
 15 two thousand four hundred dollars on the Debentures of the said Corporation for this purpose, with power to renew the said Debentures from time to time; And whereas it is expedient that the prayer of the said petition should be granted;

Therefore Her Majesty, by and with the advice and consent  
 20 of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said By-laws passed by the Corporation of the County of Frontenac authorizing the issue of certain Debentures, and numbered respectively 82, 100, 122, 141, and 148, and each  
 25 of them are hereby confirmed, and declared legal and valid to all intents and purposes whatsoever, and to be binding on the said County and the ratepayers thereof. By-laws Nos. 82, 100, 122, 141, and 148 confirmed.

2. The said debt of the Corporation of the County of Frontenac is hereby consolidated at the sum of two hundred  
 30 and sixty-two thousand four hundred dollars, and it shall and may be lawful to and for the said Corporation of the County of Frontenac to raise, by way of loan upon the credit of the Debentures hereinafter mentioned, from any person or persons, body or bodies corporate, either in this Province,  
 35 in Great Britain, or elsewhere, who may be willing to lend the same a sum of money not exceeding two hundred and sixty-two thousand four hundred dollars of the lawful money of Canada. Debt consolidated at the sum of \$262,400.

3. It shall and may be lawful for the Municipal Council of  
 40 the said County of Frontenac for the time being to cause to be issued Debentures of the said Corporation, under the corporate seal, signed by the Warden, and countersigned by the Treasurer Outstanding debentures may be issued.

and Clerk of the said County for the time being, for such sums, not exceeding in the whole the said sum of two hundred and sixty-two thousand four hundred dollars, as the said Council shall direct and appoint, bearing interest at six per centum per annum, payable as the said Council shall appoint, and the principal sum secured by the said Debentures, and the interest accruing thereon, may be made payable either in this Province, in Great Britain, or elsewhere, as the said Council shall deem expedient, and may be either in currency or sterling money. 5

Application of  
proceeds.

4. The funds derived from the negotiation of the said Debentures shall be applied in the payment of the said debt of two hundred and sixty-two thousand four hundred dollars, and shall be deposited until required in the agency of a Chartered Bank of Canada at Kingston, upon such terms as the said Municipal Council and the said Bank shall from time to time agree upon, and shall only be withdrawn therefrom as the same may be required from time to time for the payment and redemption of the Debentures, Promissory Notes, and sums composing the said debt. 10 15

Debentures  
may be  
called in.

5. The Treasurer of the said County shall, on receiving instructions from the said Council so to do, from time to time, with the consent of the holders, call in any of the said outstanding Debentures and liabilities specially provided for by this Act, and shall discharge the same with the funds raised under this Act, or may substitute therefor the said Debentures, or any of them above authorized to be issued by this Act, as may be agreed upon between the said Corporation and the holders thereof, or other the creditors or claimants upon the Corporation. 20 25

By-laws.

6. It shall and may be lawful for the said Municipal Council to pass a By law, without observing the formalities required under the Municipal Acts in force in this Province in such cases, authorizing the said loan of two hundred and sixty-two thousand four hundred dollars, and the issuing of the Debentures therefor in accordance with this Act, and to impose in and by said By-law a special rate per annum on the whole rateable property of the Municipality, to be called "The Consolidated Loan Rate," over and above and in addition to all other rates to be levied in each year, which shall be duly levied in each year, and shall be sufficient to pay the sums falling due annually for principal and interest on account of the said Debentures last mentioned. 30 35 40 45

Payment of  
debentures.

7. A portion of the said Debentures shall be made payable in each year, for thirty years from the time the said By-law shall take effect, and so that the sums to be levied for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said Debentures. 45

Repeal of  
by-laws.

8. Any By-law to be passed under the sixth section of this Act authorizing the said loan shall not be repealed until the debt created under this Act, and the interest thereon, shall be paid and satisfied. 50

Liability of  
Corporation.

9. The said bonus By-law shall not be repealed, and nothing

in this Act contained shall be held or taken to discharge the Corporation of the County of Frontenac from any indebtedness or liability which may not be included in the said debt of two hundred and sixty-two thousand four hundred dollars, and  
5 no irregularity in the form either of the said Debentures, or of the By-law authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said Corporation for the recovery of the amount of the said Debentures and interest, or any or  
10 either of them, or any part thereof.



BILL.

An Act respecting the Debt of the County  
of Frontenac.

First Reading,	1878.
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(*PRIVATE BILL.*)

Mr. CALVIN.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Debt of the County of Frontenac, *and to make valid certain Debentures of said County.*

**W**HEREAS the Corporation of the County of Frontenac Preamble.  
have at various times passed certain By-laws authorizing the issue of Debentures, such By-laws being respectively numbered 82, 100, 122, 141, and 148; *and having where necessary by law being duly assented to by the electors of said County*; And whereas doubts have arisen as to the legality of said By-laws, and it is expedient to remove such doubts, and to confirm the said By-laws; And whereas the said Corporation of the County of Frontenac have also petitioned to be authorized to consolidate the debt of the said Corporation *incurred and created by and under said By-laws*, which said debt amounts to the sum of two hundred and sixty-two thousand four hundred dollars, of which one hundred and fifty thousand dollars is the bonus granted by the said Corporation to the Kingston and Pembroke Railway Company, and twenty thousand dollars is for interest on said bonus, and to borrow the said sum of two hundred and sixty-two thousand four hundred dollars on the Debentures of the said Corporation for this purpose; And whereas it is expedient that the prayer of the said petition should be granted;  
Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The said By-laws passed by the Corporation of the County of Frontenac authorizing the issue of certain Debentures, and numbered respectively 82, 100, 122, 141, and 148, and each of them are hereby confirmed, and declared legal and valid to all intents and purposes whatsoever, and to be binding on the said County and the ratepayers thereof. By-laws Nos. 82, 100, 122, 141, and 148 confirmed.

**2.** The said debt of the Corporation of the County of Frontenac is hereby consolidated at the sum of two hundred and sixty-two thousand four hundred dollars, and it shall and may be lawful to and for the said Corporation of the County of Frontenac to raise, by way of loan upon the credit of the Debentures hereinafter mentioned, from any person or persons, body or bodies corporate, either in this Province, in Great Britain, or elsewhere, who may be willing to lend the same a sum of money not exceeding two hundred and sixty-two thousand four hundred dollars of the lawful money of Canada. Debt consolidated at the sum of \$262,400.

**3.** It shall and may be lawful for the Municipal Council of Outstanding debentures may be issued,

the said County of Frontenac for the time being to cause to be issued Debentures of the said Corporation, under the corporate seal, signed by the Warden, and countersigned by the Treasurer and Clerk of the said County for the time being, for such sums, not exceeding in the whole the said sum of two hundred and sixty-two thousand four hundred dollars, as the said Council shall direct and appoint, bearing interest at six per centum per annum, payable as the said Council shall appoint, and the principal sum secured by the said Debentures, and the interest accruing thereon, may be made payable either in this Province, in Great Britain, or elsewhere, as the said Council shall deem expedient, and may be either in currency or sterling money. 5 10

Application of proceeds.

4. The funds derived from the negotiation of the said Debentures shall be applied in the payment of the said debt of two hundred and sixty-two thousand four hundred dollars *and not otherwise*, shall *for that purpose* be deposited until required in the agency of a Chartered Bank of Canada at Kingston, upon such terms as the said Municipal Council and the said Bank shall from time to time agree upon, and shall only be withdrawn therefrom as the same may be required from time to time for the payment and redemption of the said debt *or any part thereof*. 15 20

Debentures may be called in.

5. The Treasurer of the said County shall, on receiving instructions from the said Council so to do, from time to time, with the consent of the holders, call in any of the said outstanding Debentures and liabilities specially provided for by this Act, and shall discharge the same with the funds raised under this Act, or may, *with the like consent*, substitute therefor the said Debentures, or any of them above authorized to be issued by this Act, as may be agreed upon between the said Corporation and the holders thereof. 25 30

By-laws.

6. It shall and may be lawful for the said Municipal Council to pass a By law, without observing the formalities required under the Municipal Acts in force in this Province in such cases, authorizing the said loan of two hundred and sixty-two thousand four hundred dollars, and the issuing of the Debentures therefor in accordance with this Act, and to impose in and by said By-law a special rate per annum on the whole rateable property of the Municipality, to be called "The Consolidated Loan Rate," over and above and in addition to all other rates to be levied in each year, which shall be duly levied in each year, and shall be sufficient to pay the sums falling due annually for principal and interest on account of the said Debentures last mentioned. 35 40

Payment of debentures.

7. A portion of the said Debentures shall be made payable in each year, for thirty years from the time the said By-law shall take effect, and so that the sums to be levied for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said Debentures. 45 50

Repeal of by-laws.

8. Any By-law to be passed under the sixth section of this Act authorizing the said loan shall not be repealed until the debt created under this Act, and the interest thereon, shall be paid and satisfied.



9. The *By-law of the said Corporation of the County of Frontenac, granting and providing for the said bonus of one hundred and fifty thousand dollars to the said Kingston and Pembroke Railway Company shall not be repealed, and nothing* <sup>Liability of Corporation.</sup>

5 in this Act contained shall be held or taken to discharge the Corporation of the County of Frontenac from any indebtedness or liability which may not be included in the said debt of two hundred and sixty-two thousand four hundred dollars, and no irregularity in the form either of the said Debentures *authorized*

10 *to be issued by this Act*, or of the By-law authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said Corporation for the recovery of the amount of the said Debentures and interest, or any or either of them, or any part thereof.

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Third Session, Third Parliament, 41 Vic., 1878.

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BILL.

An Act respecting the Debt of the County  
of Frontenac, and to make valid certain  
*Debentures of said County.*

*(Reprinted as Amended.)*

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First Reading, 25th January, 1878.

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*(PRIVATE BILL.)*

MR. DEROCHÉ.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

## An Act to incorporate the Town of Harriston.

**W**HEREAS the population of the Village of Harriston, Preamble.  
 in the County of Wellington is rapidly increasing, and  
 owing to the situation and location of the said Village being  
 the crossing of the two rival lines of railway, it is likely to  
 5 become a large manufacturing place, and attract the trade of  
 a large, populous and wealthy section of country; and whereas  
 the inhabitants of the said village, at a public meeting held in  
 the said village, passed a resolution in favour of incorporating  
 the said village as a town; and whereas the council of the  
 10 said village have by their petition represented that the incor-  
 poration of the said village as a town, would promote its  
 future progress and prosperity, and enable its inhabitants to  
 make suitable regulations for carrying out improvements they  
 are desirous of making, and that a portion of the Township  
 15 of Minto should be included in the said town; and whereas it  
 is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:—

20 **1.** On and after passing of this Act, the inhabitants of the Town incor-  
 said Village of Harriston shall be, and they are hereby consti- porated.  
 tuted, a corporation or body politic under the name of "The  
 Corporation of the Town of Harriston" and shall enjoy, and  
 have all the rights, powers and privileges enjoyed and exercised  
 25 by incorporated towns in the Province of Ontario, under the  
 existing municipal laws for the said Province.

**2.** The said Town of Harriston shall comprise and consist Limits of  
 of the present Village of Harriston, and of the south-halves Town  
 of lots numbers eighty-two, eighty-three, eighty-eight and  
 30 eighty-nine, in Concession C; the north-halves of lots numbers  
 eighty-two, eighty-three, eighty-eight and eighty-nine, in Con-  
 cession D; the north-half of lot number eighty-six, in Con-  
 cession C, and the north-half of lot number eighty-five in  
 Concession C, all in the said Township of Minto, save and ex-  
 35 cept a portion of the said north-half of lot number eighty-five  
 in Concession C, eight rods in width, running the whole length  
 of the said north-half parallel with the road allowance between  
 said lots numbers eighty-five and eighty-six in Concession C.

**3.** The said town shall be divided into five wards to be called Wards.  
 40 respectively, Ward Number One, Ward Number Two, Ward  
 Number Three, Ward Number Four, and Ward Number Five;  
 Ward Number One shall be composed of all that portion of  
 the town lying east of Maitland Street and north of Elora  
 Street; Ward Number Two shall be composed of all that por-



tion of the town lying east of Yonge Street, and east of Elora Street; Ward Number Three shall be composed of all that portion of the town lying south of Elora Street, between Brock Street and Yonge Street, together with the tannery site, mill site and lots numbers one, two, three and four on the north side of Mill Street; Ward Number Four shall be composed of all that portion of the town lying south of Elora Street and west of Arthur Street, together with that portion lying south of Mill Street between Arthur Street and Brock Street; Ward Number Five shall be composed of all that portion of the town lying north of Elora Street and west of Arthur Street (save and except the said portion of said north half of lot number eighty-five in Concession C) together with that portion lying north of Elora Street, between Arthur Street and Maitland Street, and also that portion lying south of Elora Street, between Arthur Street and the tannery site, on the north and east and the Maitland river on the south, and also lots numbers five and six on the north side of Mill Street and also the distillery site.

Returning-officer.

4. Immediately after the passing of this Act, it shall be lawful for Robert Haig, or the village clerk for the time being, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor, reeve and councillors, at the town hall in the said Town of Harriston, at the hour of noon, and he shall give one week's notice thereof in writing posted up in at least two of the most public places in each of the wards of the said town: and he shall preside at the said nomination, or in case of his absence, the electors present shall choose from among themselves, a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer; and the polling for the said election shall be held on the same day of the week, in the week next following the said nomination; and the returning officer, or chairman, shall at the close of the nomination publicly announce the place in each ward at which the polling shall take place.

Deputy-returning officer.

5. The said returning officer shall by his warrant appoint a deputy-returning officer for each of the wards, into which the said town is divided, and such returning officer and each of such deputy-returning officers shall before holding the said election take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario, applicable to returning officers at elections in towns, in so far as the same do not conflict with this Act, and the said returning officer shall have all the powers, and perform all the duties devolving on town clerks, with respect to municipal elections in towns.

Clerk of Minto to furnish certificates.

6. The Clerk of the said Township of Minto, and any other officer thereof shall upon demand made upon him by the said returning officer or any other officer of the said town, or by the chairman hereinbefore mentioned, at once furnish such returning officer, officer or chairman, with a certified copy of so much of the last revised assessment roll for the said township as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, or with the collectors' roll, document, statement, writing or deed, that may be required for that purpose; and the said returning-officer shall furnish each of the said deputies with a

true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

- 7.** The council of the said town to be elected in manner Council.  
 5 aforesaid shall consist of a mayor, who shall be the head thereof, a reeve and ten councillors, two councillors being elected for each ward, and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week  
 10 next following the week of the nomination; and subsequent elections shall be held in the same manner as in towns incorporated under the provisions of the municipal laws of Ontario, and the said council and their successors in office, shall have, use, exercise and enjoy all the powers and privileges vested  
 15 by the said municipal laws in town councils and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.
- 8.** The several persons who shall be elected or appointed Oath of office.  
 under this Act, shall take declarations of office and qualifications now required by the municipal laws of Ontario to be  
 20 taken by persons elected or appointed to like offices in towns.
- 9.** At the first election of mayor, reeve and councillors for Oath of office.  
 the said Town of Harriston, the qualification of electors and and that of officers required to qualify, shall be the same as  
 25 that required in villages by the municipal laws of Ontario.
- 10.** The expenses incurred to obtain this Act and of fur- Expenses of  
 nishing any documents, copies of papers, writings, deeds, or Act.  
 any matters whatsoever required by the clerk or other officer of the said town or otherwise, shall be borne by the said town  
 30 and paid by it to any party that may be entitled thereto.
- 11.** All by-laws and municipal regulations which are in force By-laws.  
 in the Village of Harriston, shall continue and be in force as if they had been passed by the Corporation of the Town of Harriston, and shall extend to and have full effect within the  
 35 limits of the town hereby incorporated.
- 12.** The property, assets, debts, liabilities and obligations of Property of  
 the Village of Harriston shall belong to and be assumed and Town.  
 paid by the Corporation of the Town of Harriston.
- 40 **13.** Until the election of such mayor, reeve and councillors Officers of Vil-  
 all officers of the said Village of Harriston shall continue to lage to act.  
 act and have power as such.

Third Session, Third Parliament, 41 Vic., 1878.

BILL.

An Act to incorporate the Town of Harriston.

First Reading,	1878.
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(*PRIVATE BILL.*)

MR. MCGOWAN.



## An Act to incorporate the Town of Harriston.

WHEREAS the population of the Village of Harriston, Preamble.  
in the County of Wellington is rapidly increasing; and  
whereas the inhabitants of the said village, at a public meeting  
held in the said village, passed a resolution in favour of incorpo-  
5 rating the said village as a town; and whereas the council of the  
said village have by their petition represented that the incorpo-  
ration of the said village as a town, would promote its  
future progress and prosperity, and enable its inhabitants to  
make suitable regulations for carrying out improvements they  
10 are desirous of making, and that a portion of the Township  
of Minto should be included in the said town; and whereas it  
is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
15 as follows:—

1. On and after the *thirtieth day of December next after the* Town incor  
*passing of this Act,* the said Village of Harriston shall be, and is porated.  
hereby constituted, a corporation or body politic under the name  
of “The Corporation of the Town of Harriston” and shall enjoy,  
20 and have all the rights, powers and privileges enjoyed and ex-  
ercised by incorporated towns in the Province of Ontario, under  
the existing municipal laws for the said Province.

2. The said Town of Harriston shall comprise and consist Limits of  
of the present Village of Harriston, and of the south-halves Town  
25 of lots numbers eighty-two, eighty-three, eighty-eight and  
eighty-nine, in Concession C *of the Township of Minto*; the  
north-halves of lots numbers eighty-two, eighty-three, eighty-  
eight and eighty-nine, in Concession D *of the said Township of*  
*Minto*; the north-half of lot number eighty-six, in *said* Con-  
30 cession C, and the north-half of lot number eighty-five in *said*  
Concession C, save and except a portion of the said north-half  
of lot number eighty-five in Concession C, eight rods in width  
*througout, and running the whole length of the said north-half*  
*adjoining to and parallel with the road allowance between said*  
35 *lots numbers eighty-five and eighty-six in Concession C.*

3. The said town shall be divided into five wards to be called Wards.  
respectively, Ward Number One, Ward Number Two, Ward  
Number Three, Ward Number Four, and Ward Number Five;  
*which said several wards shall be respectively composed and*  
40 *bounded as follows:*

*Ward No 1.*

Ward number one shall be composed of that part of the town  
which is butted and bounded as follows, viz: Commencing at

the intersection of the northerly limit of Elora street with the easterly limit of Maitland street, thence easterly along said limit of Elora street to the south-easterly angle of lot number eighty-nine, concession C.; thence northerly along the division line between lots eighty-nine and ninety, to the division line 5 between the north and south halves of said lot number eighty-nine; thence westerly along the division line between the north and south halves of lots eighty-nine, eighty-eight, and eighty-seven in said concession C., to the division line between lots eighty-six and eighty-seven; thence northerly along said 10 division line to the northerly limit of said lot eighty-six; thence westerly along said limit of lot eighty-six, thirteen chains more or less to the easterly limit of Maitland street produced; thence southerly along said limit of street produced to the northerly limit of Elora street, and place of beginning. 15

#### *Ward No. 2.*

Ward number two shall be composed of that part of the town which is butted and bounded as follows, viz: Commencing at the intersection of the southerly limit of Elora street with the easterly limit of Young street; thence easterly along the southerly limit of Elora street to the north-easterly angle of 20 lot number eighty-nine in concession D.; thence southerly along the division line between lots number eighty-nine and ninety, to the division line between the north and south halves of said lot eighty-nine; thence westerly along the division line between the north and south halves of lots eighty-nine, 25 eighty-eight and eighty-seven to the easterly limit of Young street; thence northerly along said limit of Young street to the southerly limit of Elora street and place of beginning.

#### *Ward No. 3.*

Ward number three shall be composed of that part of the 30 town which is butted and bounded as follows, viz: Commencing at the intersection of the westerly limit of Young street with the southerly limit of Elora street; thence westerly along said limit of Elora street to the north-westerly angle of tannery property; thence southerly along the westerly limit of tannery 35 property to the north bank of the River Maitland; thence southerly to the intersection of the south bank of said River Maitland, with the division line between town lots numbers four and five on the north side of Mill street; thence southerly along said division line to the northerly limit of Mill street; thence 40 southerly to the intersection of the southerly limit of Mill street with the easterly limit of Brock street; thence southerly along said limit of Brock street and produced to the southerly limit of lot number eighty-six, concession D; thence easterly along said southerly limit of lot eighty-six to the south-easterly angle 45 of said lot eighty-six; thence northerly along the division line between lots eighty-six and eighty-seven to the southerly limit of Elora street and place of beginning.

#### *Ward No. 4.*

Ward number four shall be composed of that part of the town which is butted and bounded as follows, viz: Commencing 50 at the north-westerly angle of lot number eighty-two, con-

cession D; thence easterly along southerly limit of Elora street to the westerly limit of Arthur street; thence southerly along said limit of Arthur street to a point in a line with the southerly limit of Mill street produced; thence north-easterly  
 5 along said line and limit of Mill street to the westerly limit of Brock street; thence southerly along said limit of Brock street, and produced to the southerly limit of lot eighty-six, concession D; thence westerly along the southerly limit of lot  
 10 eighty-six and lot eighty-five to the south-westerly angle of said lot eighty-five; thence northerly along the division line between lots eighty-four and eighty-five to the division line between the north and south halves of said lot eighty-four; thence westerly along the division line between the north and south halves of lots eighty-four, eighty-three and eighty-two  
 15 to the westerly limit of said lot eighty-two; thence northerly along said limit of lot to the place of beginning.

### *Ward No. 5.*

Ward number five shall be composed of that part of the town which is butted and bounded as follows, viz: Commencing at the south-westerly angle of lot number eighty-two in  
 20 concession C; thence northerly along the division line between lots numbers eighty-one and eighty-two in said concession C, to the division line between the north and south halves of said lot number eighty-two; thence easterly along the division line between the north and south halves of lots numbers eighty-  
 25 two, eighty-three and eighty-four to the division line between lots numbers eighty-four and eighty-five; thence northerly along the division line between lots numbers eighty-four and eighty-five to the northerly limit of said lot number eighty-five; thence easterly along said northerly limit to a point  
 30 situate at the distance of two chains westerly from the north-easterly angle of said lot number eighty-five; thence southerly parallel to the easterly limit of aforesaid lot, to the division line between the north and south halves of said lot number eighty-five; thence easterly parallel with the southerly limit  
 35 of said lot, two chains to the easterly limit of Arthur street; thence northerly along said limit of Arthur street, to the north-westerly angle of lot number eighty-six in said concession C; thence easterly along the northerly limit of said lot number eighty-six, six chains to the westerly limit of Maitland street  
 40 produced northwards; thence southerly along said limit of street so produced, to the northerly limit of Elora street; thence south-westerly in a straight line to the north-westerly angle of tannery site; thence southerly along the westerly limit of said tannery site to the north bank of the River Maitland; thence  
 45 southerly in a straight line to the intersection of the division line between town lots numbers four and five on the north side of Mill street with the south bank of said River Maitland; thence southerly along the division line between said lots numbers four and five on the north side of Mill street, to the north-  
 50 erly limit of Mill street; thence westerly along said limit of Mill street to its intersection with the easterly limit of Arthur street; thence northerly along said limit of Arthur street to the northerly limit of Elora street; thence westerly along said limit of Elora street to the south-westerly angle of lot number  
 55 eighty-two, concession C, the place of beginning.



Returning  
officer.

4. On the said thirtieth day of December next after the passing of this Act, it shall be lawful for Robert Haig, or the village clerk for the time being, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor, reeve and councillors, at the town hall in the said Town of Harriston, at the hour of noon : and he shall preside at the said nomination, or in case of his absence, the electors present shall choose from among themselves, a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer ; and the polling for the said election, *if necessary*, shall be held on the same day of the week, in the week next following the said nomination ; and the returning officer, or chairman, shall at the close of the nomination publicly announce the place in each ward at which the polling shall take place.

Deputy-re-  
turning officer.

5. The said returning officer shall by his warrant appoint a deputy-returning officer for each of the wards, into which the said town is divided, and such returning officer and each of such deputy-returning officers shall before holding the said election take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario, applicable to returning officers at elections in towns, in so far as the same do not conflict with this Act, and the said returning officer shall have all the powers, and perform all the duties devolving on town clerks, with respect to municipal elections in towns.

Clerk of Minto  
to furnish cer-  
tificates.

6. The Clerk of the said Township of Minto, or any other proper officer thereof shall upon demand made upon him by the said returning officer, or by the chairman hereinbefore mentioned, at once furnish such returning officer, or chairman, with a certified copy of so much of the last revised assessment roll for the said township as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, or with the collectors' roll, document, statement, writing or deed, that may be required for that purpose ; and the said returning-officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

Council.

7. The council of the said town to be elected in manner aforesaid shall consist of a mayor, who shall be the head thereof, a reeve and ten councillors, two councillors being elected for each ward, and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of the nomination ; and subsequent elections shall be held in the same manner as in towns incorporated under the provisions of the municipal laws of Ontario, and the said council and their successors in office, shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

Oath of office.

8. The several persons who shall be elected or appointed under this Act, shall take declarations of office and qualifica-

tions now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in towns.

**9.** At the first election of mayor, reeve and councillors for the said Town of Harriston, the qualification of electors and that of officers required to qualify, shall be the same as that required in villages by the municipal laws of Ontario.

**10.** The expenses incurred to obtain this Act and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said town or otherwise, shall be borne by the said town and paid by it to any party that may be entitled thereto.

**11.** All by-laws and municipal regulations which are in force in the Village of Harriston, shall continue and be in force as if they had been passed by the Corporation of the Town of Harriston, and shall extend to and have full effect within the limits of the town hereby incorporated.

**12.** The property, assets, debts, liabilities and obligations of the Village of Harriston shall belong to and be assumed and paid by the Corporation of the Town of Harriston.

**13.** All officers of the said Village of Harriston shall continue to act and have power as such, until the Council of the Town of Harriston shall have organized as and in the manner provided by section seven of this Act.

BILL.

An Act to incorporate the Town of Har-  
rington.

*(Reprinted as Amended.)*

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First Reading, 23rd January, 1878.

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*(PRIVATE BILL.)*

MR. MCGOWAN.

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TORONTO :

PRINTED BY HUNTER, ROSE & CO.



An Act respecting the Prince Edward County Railway Company.

**W**HEREAS the Prince Edward County Railway Company Preamble.  
have petitioned the Legislature for certain amendments  
to their Act of Incorporation, passed in the thirty-sixth year  
of the reign of Her Majesty Queen Victoria, and chaptered  
5 seventy-three, by extending the time for the completion of said  
railway, fixed by a by-law of the Corporation of the County  
of Prince Edward, passed on the thirteenth day of November,  
one thousand eight hundred and seventy-two, and to vary said  
by-law as to the amount of the bonus granted thereby, and as  
10 to the rails to be used in the construction of said railway,  
mentioned therein, and in other respects as set forth in a resolu-  
tion of the said corporation, made on the twenty-first day of  
May, one thousand eight hundred and seventy-seven, and in  
an agreement under seal made between the said company and  
15 the said corporation, dated the second day of June, one thou-  
sand eight hundred and seventy-seven, and in a decree of the  
Court of Chancery in a certain suit wherein the said company  
are plaintiffs and the said corporation are defendants, dated the  
eighth day of September, one thousand eight hundred and  
20 seventy-seven, and to confirm said by-law as so varied by said  
resolution, agreement and decree, and by making certain other  
amendments; and whereas it is expedient to grant the prayer  
of said petition :

Therefore Her Majesty, by and with the advice and consent  
25 of the Legislative Assembly of the Province of Ontario, enacts  
as follows :

1. The time fixed by the said by-law of the Corporation of By-law ex-  
the County of Prince Edward, passed on the thirteenth day of tended.  
November, one thousand eight hundred and seventy-two, for  
30 the completion of said railway, is hereby extended until the  
fifteenth day of October, one thousand eight hundred and  
seventy-eight, and the said by-law shall not be deemed to have  
lapsed, nor shall the same lapse by reason of the said extension  
of time, or by reason of the said railway not being completed  
35 within the time by said by-law fixed for the completion of the  
same.

2. The rails to be used in the construction of said railway Rails.  
shall be such as may be approved of by an engineer appointed by  
the Governor in Council of the Province of Ontario, instead of  
40 the rails mentioned in said by-law.

3. The bonus of eighty-seven thousand five hundred dollars Bonus re-  
granted by the said by-law shall be reduced to the sum of duced.  
sixty-thousand dollars; and all special rates and calculations  
mentioned in said by-law with respect to raising the said bonus

Debentures.

of eighty-seven thousand five hundred dollars shall be so reduced and altered as to apply to the raising of the sum of sixty thousand dollars, instead of the sum of eighty-seven thousand five hundred dollars, in the way directed by the said by-law, and as if the said by-law took effect at the date of the taking effect of this Act; and the debentures to be issued for the said sum of sixty thousand dollars shall be issued forthwith in the way directed by the said by-law, and shall bear interest from the fifteenth day of October, one thousand eight hundred and seventy-eight, and be payable twenty years thereafter.

By-law of  
Nov. 13, 1872  
valid.

4. The said by-law as hereby varied and all debentures issued or to be issued as aforesaid under the same shall be and the same is and are hereby declared to have been and to henceforth be in full force, and legal, binding and valid upon the said corporation, ratepayers, and all others whomsoever, any law or statute to the contrary notwithstanding.

Conditions of  
by-law dis-  
pensed with.

5. And it is hereby declared that the condition in said by-law contained providing that the building of said railway should be commenced within nine months from the fifteenth day of November, one thousand eight hundred and seventy-two, and all other conditions and things mentioned in said by-law necessary to be performed or done by the said company under said by-law up to the time of the passing of this Act, have and each of them has been fully observed, performed and done by the said company within the times fixed for the performance thereof by said by-law in so far as is necessary in order to entitle the said company to receive the moneys granted by said by-law as hereby varied: And in order that the said company may be entitled to receive the said moneys or any part thereof it shall not be necessary to shew when the building of the said road was commenced, but it shall be held as final and conclusive against all persons and corporations that the same was commenced within the time fixed by said by-law, and also within the time fixed by an Act passed in the thirty-seventh year of the reign of Her Majesty Queen Victoria, and chaptered sixty, intituled "An Act to amend the Act incorporating the Prince Edward County Railway Company."

Corporations  
may extend  
time.

6. The councils of all corporations that or any portion of which have heretofore granted or may hereafter grant aid by way of bonus to the said company may by resolution or by-law extend the time for the commencement or completion of the said railroad beyond that stipulated for in the by-law or by-laws granting such aid from time to time.

By-law of  
March 8, 1875,  
of Picton  
valid.

7. The by-law of the Town of Picton, passed on the eighth day of March, one thousand eight hundred and seventy-five, granting aid by way of bonus to said company, and the debentures issued or to be issued under the same is hereby made valid, effectual and binding upon the said corporation, ratepayers, and all others whomsoever.

Resolution,  
and agreement  
of Prince Ed-  
ward and  
Decrees valid.

8. The said resolution of the corporation of the County of Prince Edward, passed on the twenty-first day of March, one thousand eight hundred and seventy-seven, the said agreement between the said corporation and the said company, dated the second day of June, one thousand eight hundred and seventy-

seven, and the said decree of the Court of Chancery, dated the eighth day of September, one thousand, eight hundred and seventy-seven, and also another decree of the said Court of Chancery in said suit, dated the fifth day of October, one thousand and eight hundred and seventy-six, are each declared to be good, valid, legal, binding and effectual from the time of the respective dates thereof, any law or custom to the contrary notwithstanding, save and except as the same may be varied by this Act.

- 10   **9.** The failure of the company to complete or finish the construction of said railway within the respective times limited for such purposes shall not operate as a forfeiture of its charter, and notwithstanding such failure the corporate existence and power of said company shall continue. Charter not to be forfeited.



BILL.

An Act respecting the Prince Edward  
County Railway Company.

First Reading,	1878.
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(*PRIVATE BILL.*)

Mr. STRIKER.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act respecting the Prince Edward County Railway Company.

**W**HEREAS the Prince Edward County Railway Company **Preamble.**  
 have petitioned the Legislature for certain amendments  
 to their Act of Incorporation, passed in the session held in the  
 thirty-sixth *and thirty-seventh* years of the reign of Her Majesty  
 5 Queen Victoria, and chaptered seventy-three *and sixty respec-*  
*tively*, by extending the time for the completion of said railway,  
 fixed by a by-law of the Corporation of the County of Prince  
 Edward, passed on the thirteenth day of November, one thousand  
 eight hundred and seventy-two, and to vary said by-law as to  
 10 the amount of the bonus granted thereby, and as to the rails to  
 be used in the construction of said railway, mentioned therein,  
 and in other respects as set forth in a resolution of the said  
 corporation, made on the twenty-first day of May, one thousand  
 and eight hundred and seventy-seven, and in an agreement  
 15 under seal made between the said company and the said  
 corporation, dated the second day of June, one thousand eight  
 hundred and seventy-seven, and in a decree of the Court of  
 Chancery in a certain suit wherein the said company are plain-  
 tiffs and the said corporation are defendants, dated the eighth  
 20 day of September, one thousand eight hundred and seventy-  
 seven, and to confirm said by-law as so varied by said re-  
 solution, agreement and decree, and by making certain other  
 amendments; and whereas it is expedient to grant the prayer  
 of said petition:  
 25 Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

1. The time fixed by the said by-law of the Corporation of **By-law ex-**  
 the County of Prince Edward, passed on the thirteenth day of **tended.**  
 30 November, one thousand eight hundred and seventy-two, for  
 the completion of said railway, is hereby extended until the  
 fifteenth day of October, one thousand eight hundred and  
 seventy-eight, and the said by-law shall not be deemed to have  
 lapsed, nor shall the same lapse by reason of the said extension  
 35 of time, or by reason of the said railway not being completed  
 within the time by said by-law fixed for the completion of the  
 same.

2. The rails to be used in the construction of said railway **Rails.**  
 shall be such as may be approved of by an engineer appointed by  
 40 the Governor in Council of the Province of Ontario, instead of  
 the rails mentioned in said by-law.

3. The bonus of eighty-seven thousand five hundred dollars **Bonus re-**  
 granted by the said by-law shall be reduced to the sum of **duced.**

Debentures.

sixty-thousand dollars; and all special rates and calculations mentioned in said by-law with respect to raising the said bonus of eighty-seven thousand five hundred dollars shall be so reduced and altered as to apply to the raising of the sum of sixty thousand dollars, instead of the sum of eighty-seven thousand five hundred dollars, in the way directed by the said by-law, and as if the said by-law took effect at the date of the taking effect of this Act; and the debentures to be issued for the said sum of sixty thousand dollars shall be issued forthwith in the way directed by the said by-law, and shall bear interest from the fifteenth day of October, one thousand eight hundred and seventy-eight, and be payable twenty years thereafter.

By-law of  
Nov. 13, 1872  
valid.

4. The said by-law as hereby varied and all debentures to be issued as aforesaid under the same shall be and the same is and are hereby declared to have been and to henceforth be in full force, and legal, binding and valid upon the said corporation, ratepayers, and all others whomsoever, any law or statute to the contrary notwithstanding.

Conditions of  
by-law dis-  
pensed with.

5. And it is hereby declared that the condition in said by-law contained providing that the building of said railway should be commenced within nine months from the fifteenth day of November, one thousand eight hundred and seventy-two, and all other conditions and things mentioned in said by-law necessary to be performed or done by the said company under said by-law up to the time of the passing of this Act, have and each of them has been fully observed, performed and done by the said company within the times fixed for the performance thereof by said by-law in so far as is necessary in order to entitle the said company to receive the moneys granted by said by-law as hereby varied: And in order that the said company may be entitled to receive the said moneys or any part thereof it shall not be necessary to shew when the building of the said road was commenced, but it shall be held as final and conclusive against all persons and corporations that the same was commenced within the time fixed by said by-law, and also within the time fixed by an Act passed in the thirty-seventh year of the reign of Her Majesty Queen Victoria, and chaptered sixty, intituled "An Act to amend the Act incorporating the Prince Edward County Railway Company."

Corporations  
may extend  
time.

6. The councils of all corporations that or any portion of which have heretofore granted or may hereafter grant aid by way of bonus to the said company may by by-law extend the time for the commencement or completion of the said railroad beyond that stipulated for in the by-law or by-laws or in the by-law hereby varied granting such aid from time to time.

By-law of  
May 3, 1875,  
of Picton  
valid.

7. The by-law of the Town of Picton, passed on the third day of May, one thousand eight hundred and seventy-five, granting aid by way of bonus to said company, and the debentures to be issued under the same is and are hereby made valid, effectual and binding upon the said corporation, ratepayers, and all others whomsoever.

Resolution  
and agreement  
of Prince Ed-  
ward and  
Decrees valid.

8. The said resolution of the corporation of the County of Prince Edward, passed on the twenty-first day of May, one thousand eight hundred and seventy-seven, the said agreement



between the said corporation and the said company, dated the second day of June, one thousand eight hundred and seventy-seven, and the said decree of the Court of Chancery, dated the eighth day of September, one thousand, eight hundred and 5 seventy-seven, and also another decree of the said Court of Chancery in said suit, dated the fifth day of October, one thousand eight hundred and seventy-six, are each declared to be good, valid, legal, binding and effectual from the time of the respective dates thereof, any law or custom to the contrary notwithstanding, save and except as the same may be varied by this 10 Act.

9. The failure of the company to complete or finish the construction of said railway within the respective times limited for such purposes *has not and shall not* operate as a forfeiture 15 of its charter, and notwithstanding such failure the corporate existence and power of said company shall continue. Charter not to be forfeited.

10. The said Prince Edward County Railway Company are hereby authorized by a vote of a majority of the share holders thereof, at a meeting to be held for that purpose and of 20 which meeting not less than two weeks previous notice shall have been given in the *Ontario Gazette*, and in one or more of the newspapers published in Picton; Power to reduce the Capital Stock.

(1.) To reduce the capital stock of the said company by vote as aforesaid, from seven hundred thousand dollars, authorized 25 in its charter to be issued for the section of said road, leading from Picton to the Grand Trunk Railway, to such sum not less than three hundred thousand dollars as may be deemed necessary to represent the actual cost thereof.

(2.) To constitute in manner aforesaid such part of the reduced shares as may be thought proper preferred or debenture 30 shares, and to attach such privileges and conditions to said preferred or debenture shares as may appear desirable in order to promote the financial success of the said railway company. Preferred or Debenture Shares.

(3.) To reduce by vote as aforesaid the number of directors mentioned in the Act passed in the thirty-seventh year of the 35 reign of Her Majesty Queen Victoria, and chaptered sixty, to such lesser number not less than five as may seem proper. Reduction of number of Directors.

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Third Session, Third Parliament, 41 Vic. 1878.

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BILL.

An Act respecting the Prince Edward  
County Railway Company.

*(Reprinted as amended.)*

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First Reading, 25th January, 1878,

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*(PRIVATE BILL.)*

Mr. STRIKER.

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TORONTO :

PRINTED BY HUNTER, ROSE & CO.

## An Act respecting the Toronto Club.

**W**HEREAS the Toronto Club have presented their petition Preamble.  
praying for an amendment to their Act of Incorpora-  
tion, and whereas it is expedient to grant the prayer of the  
said petition :

5 Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :

1. It shall be lawful for the Toronto Club to borrow money Power to  
upon the credit of the Club and to hypothecate, pledge or borrow money.  
10 mortgage the real or personal property of the Club to secure  
any sum or sums of money so borrowed at such rate of interest  
and on such terms as may from time to time be agreed upon.

2. The Club shall have power to draw, make, accept and Power as to  
endorse all bills of exchange and promissory notes necessary bills and notes.  
15 for the purposes of the Club under the hands of their President  
and Secretary after authority from the Committee of the Club  
so to do, and in no case shall it be necessary that the seal of the  
Club be affixed to any such bill or note, nor shall the President  
or Secretary be individually responsible therefor: Provided,  
20 that nothing herein shall be construed to authorize the Club to  
issue notes or bills of exchange payable to bearer or intended  
to be circulated as money or as notes or bills of a bank.



Third Session, Third Parliament, 41 Vic. 1878.

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BILL.

An Act respecting The Toronto Club.

First Reading.	1878
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(*PRIVATE BILL.*)

MR. BETHUNE.

TORONTO:

PRINTED BY HUNTER, ROSE & CO

## An Act relating to the Town of Peterborough.

WHEREAS the Corporation of the Town of Peterborough Preamble.

have, by their petition, prayed for an Act to confirm by-law number three hundred and sixty-one of the said corporation providing for the application of the moneys payable by  
5 the Midland Railway Company towards the payment of the Municipal Loan Fund Debentures of the said corporation, and by-law number three hundred and sixty four of the said corporation entitled "A by-law to raise the sum of four thousand dollars for the erection of a ward school in the Town of Peter-  
10 borough and to authorize the issue of debentures for that purpose," and to empower the said corporation to issue debentures for the sum of thirteen thousand dollars for the purpose of paying the indebtedness of the said corporation appearing as a deficit on the first day of January, one thousand eight hundred  
15 and seventy-seven; and also to authorize the said corporation to close and to sell to William Davidson, his heirs and assigns a part of McDonell Street in the said Town of Peterborough, and whereas it is expedient to grant the prayer of such petition;

Therefore Her Majesty, by and with the consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law number three hundred and sixty-one of the Corporation of the Town of Peterborough, passed on the third day of July, one thousand eight hundred and seventy-seven, entitled  
25 "A by-law to remove certain doubts as to the meaning of by-law No. 183 entitled, 'A by-law for fixing the monthly and other payments from the lessees of the Peterborough Branch of the Port Hope, Lindsay and Beaverton Railway Company,'" passed the 30th day of May, 1865, and by-law number three hundred and sixty-four of the said corporation passed on the first day  
30 of September, one thousand eight hundred and seventy-seven, entitled, "A by-law to raise the sum of four thousand dollars for the erection of a ward school in the Town of Peterborough, and to authorize the issue of debentures for that purpose," and all debentures issued under such last-mentioned by-law shall  
35 be and are hereby declared to be and from the passing thereof respectively to have been good, valid, legal, binding and effectual, any law, usage or custom to the contrary notwithstanding.

By-laws 361 and 366 and debentures valid.

2. The moneys, mentioned in said by-law number three hundred and sixty-one, shall be used and applied by the Commissioners of the Peterborough Town Trust to and for the purposes  
40 and in the manner in said by-law directed and provided, and not otherwise.

Application of moneys.

Debentures  
may issue to  
amount of  
\$13,000.

**3.** Notwithstanding the provisions of the Act of the Parliament of the late Province of Canada passed in the twenty-fourth year of the reign of Her Majesty, and chaptered sixty-one, it shall and may be lawful for the Corporation of the Town of Peterborough, and the Commissioners of the Peterborough Town Trust to cause to be issued debentures to an extent not exceeding the sum of thirteen thousand dollars in all for the purpose of paying the outstanding indebtedness of the said corporation, appearing as a deficit on the first day of January, one thousand eight hundred and seventy-seven, according to the report of the auditors of the accounts of said corporation for the year one thousand eight hundred and seventy-six. 5 10

Debentures,  
how issuable.

**4.** The said debentures shall be issued in the manner and upon the security mentioned in the said recited Act and shall be redeemable in the manner provided by said Act for debentures issued thereunder. 15

Application of  
proceeds of  
debentures.

**5.** The proceeds of the said debentures shall be handed over by the said commissioners to the treasurer of the said town, and shall be applied by him in payment of the said indebtedness of the said corporation. 20

By-law may  
pass to close  
part of Mc-  
Donell Street.

**6.** It shall and may be lawful for the said corporation, and they are hereby empowered to pass a by-law to close that part of McDonell Street, in the said Town of Peterborough, lying east of Dickson Street, and extending easterly from Dickson Street aforesaid to a depth of two hundred and twenty-eight feet, and to sell and convey the same in fee simple or otherwise to William Davidson, his heirs, and assigns for such sum and upon such terms as may be agreed upon, and a conveyance or conveyances of said part of McDonell Street, in accordance with such by-law under the seal of the said corporation signed by the mayor and clerk of the said town for the time being shall be good and effectual to pass the fee simple, or other less estate in said lands mentioned in such conveyance. 25 30





No. 12.

Third Session, Third Parliament, 41 Vic., 1878.

BILL.

An Act relating to the Town of Peterborough.

First Reading,	1878.
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(*PRIVATE BILL*.)

Mr. Scott.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

## An Act relating to the Town of Peterborough.

WHEREAS the Corporation of the Town of Peterborough Preamble.  
 have, by their petition, prayed for an Act to confirm by-law number three hundred and sixty-one of the said corporation, providing for the application of the moneys payable by  
 5 the Midland Railway Company towards the payment of the Municipal Loan Fund Debentures of the said corporation, and by-law number three hundred and sixty four of the said corporation entitled "A by-law to raise the sum of four thousand dollars for the erection of a ward school in the Town of Peterborough and to authorize the issue of debentures for that purpose," and by-law numbered three hundred and seventy, entitled  
 "A by-law for stopping up and selling a part of McDonnell street, in the Town of Peterborough;" and whereas said Corporation by its petition has further represented that according  
 5 to the report of the auditors of the Town of Peterborough for the year one thousand eight hundred and seventy-six, the Corporation of the said town was, on the first day of January, one thousand eight hundred and seventy-seven, indebted over and above the assets of the said Corporation, available for the payment thereof in the sum of twelve thousand, nine hundred and  
 0 eighty-seven dollars and thirty-five cents, or thereabouts, and that such indebtedness or deficit has not yet been paid off, but the same still remains as a charge upon the said Corporation; and that such indebtedness or deficit arose in large part from  
 5 works of a permanent character, being undertaken by the said Corporation, and for which debentures of the said Corporation should have been issued, and it is just and expedient that debentures should now be issued for the same, and that an Act should be passed empowering the said Corporation to issue debentures therefor, and whereas it is expedient to grant the  
 0 prayer of such petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law number three hundred and sixty-one of the Corporation of the Town of Peterborough, passed on the third day  
 5 of July, one thousand eight hundred and seventy-seven, entitled "A by-law to remove certain doubts as to the meaning of by-law number one hundred and eighty-three, intituled, 'A by-law for fixing the monthly and other payments from the lessees of the  
 0 Peterborough Branch of the Port Hope, Lindsay and Beaverton Railway Company,'" passed the 30th day of May, 1865, and by-law number three hundred and sixty-four of the said corporation passed on the first day of September, one thousand eight hundred and seventy-seven, entitled, "A by-law to raise the sum of

Certain by-laws and debentures confirmed.

four thousand dollars for the erection of a ward school, in the Town of Peterborough, and to authorize the issue of debentures for that purpose," and all debentures issued under such last mentioned by-law, *and by-law number three hundred and seventy of the said Corporation, passed on the eighteenth day of January, in the year of Our Lord one thousand eight hundred and seventy-eight, intituled, "A by-law for stopping up and selling part of McDonnell street, in the Town of Peterborough," and a certain conveyance made under and pursuant to such last mentioned by-law, bearing date the eighteenth day of January, one thousand eight hundred and seventy-eight, between the Corporation of the Town of Peterborough of the first part, and William Davidson, of the said Town of Peterborough, of the second part, conveying to the said William Davidson, a part of McDonnell street aforesaid,* shall be and are hereby declared to be from the passing and execution thereof respectively to have been good, valid, legal, binding and effectual, any law, usage or custom to the contrary notwithstanding.

Application of  
moneys.

2. The moneys, mentioned in said by-law number three hundred and sixty-one, shall be used and applied by the Commissioners of the Peterborough Town Trust to and for the purposes and in the manner in said by-law directed and provided, and not otherwise.

Debentures  
may issue to  
amount of  
\$13,000.

3. Notwithstanding the provisions of the Act of the Parliament of the late Province of Canada passed in the twenty-fourth year of the reign of Her Majesty, and chaptered sixty-one, it shall and may be lawful for the Corporation of the Town of Peterborough, and the Commissioners of the Peterborough Town Trust to cause to be issued debentures to an extent not exceeding the sum of thirteen thousand dollars in all for the purpose of paying the outstanding indebtedness of the said corporation, appearing as a deficit on the first day of January, one thousand eight hundred and seventy-seven, according to the report of the auditors of the accounts of said corporation for the year one thousand eight hundred and seventy-six.

Debentures,  
how issuable.

4. The said debentures shall be issued in the manner and upon the security mentioned in the said recited Act and shall be redeemable in the manner provided by said Act for debentures issued thereunder.

Application of  
proceeds of  
debentures.

5. The proceeds of the said debentures shall be handed over by the said commissioners to the treasurer of the said town, and shall be applied by him in payment of the said indebtedness of the said corporation, and not otherwise.





BILL.

An Act relating to the Town of Peterborough.

*(Reprinted as Amended.)*

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First Reading, 28th January, 1878.

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*(PRIVATE BILL.)*

Mr. Scott.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

No 13.]

## BILL.

[1878.

### An Act to incorporate the Arthur Junction Railway Company.

**W**HEREAS Joseph Draper, Thomas Whale, Mark Langdon, Preamble.

Thomas Graham, George Povey, and Frederick Jasper Chadwick have represented that the construction of a railway from some point on the line of the Wellington, Grey and Bruce Railway, in the Township of Peel, in the County of Wellington, to the Village of Arthur, in said county, has become desirable for the purpose of developing certain portions of the County of Wellington, and for the public benefit and accommodation of the inhabitants thereof, that the length of the proposed railway will not exceed \_\_\_\_\_ miles; that the said railway, owing to the natural facilities of the country, can be built at a cost not exceeding \_\_\_\_\_ dollars per mile; that the municipalities interested, namely, the Village of Arthur, Township of Peel, Township of Arthur, Township of Luther, Township of West Garafraxa, and Town of Guelph are willing to grant bonuses to an amount sufficient to build the said railway; and whereas the said Joseph Draper, Thomas Whale, Mark Langdon, Thomas Graham, George Povey, and Frederick Jasper Chadwick have petitioned that an Act may pass to construct the aforesaid railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent Incorporation. of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Joseph Draper, Thomas Whale, Mark Langdon, Thomas Graham, George Povey, and Frederick Jasper Chadwick, together with the inhabitants and corporations of the aforesaid municipalities, or such of them as shall in pursuance of this Act grant bonuses to the Company hereby incorporated and hereby declared to be a body corporate and politic, by the name of "The Arthur Junction Railway Company." Corporate name.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada and amendments thereto with respect to the first, second, third, fourth, fifth and sixth clauses thereof, also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines, and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway and general provisions," shall be deemed to be part of this Act, and shall Railway Act to apply.

apply to the said Company and to the railway to be constructed by them, except so far as they may be inconsistent with the enactments hereof and the expression, "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act as aforesaid. 5

Location of line.

3. The Company hereby incorporated, and their agents or servants shall have full power and authority under this Act, to construct a railway from some point on the line of the Wellington, Grey and Bruce Railway, in the Township of Peel, in the County of Wellington, to the Village of Arthur, in said County. 10

Power to acquire lands.

4. The said Company may construct depots, stations, warehouses, elevators, workshops, offices and other buildings, and works at or near any one of the several points on the line of railway hereby authorized, and it shall be lawful for the said Company to take and appropriate for the use of their said railway, and the works connected therewith, so much of the land as may be necessary for the works of the said railway, but not to alienate the same save as is hereinafter mentioned. 15 20

Gauge.

5. The said railway shall be of the gauge of four feet and eight and one-half inches.

Provisional directors.

6. Joseph Draper, Thomas Whale, Mark Langdon, Thomas Graham, George Povey and Frederick Jasper Chadwick shall be, and are hereby constituted a Board of Provisional Directors of the said Company, and shall hold office as such until other directors are appointed under the provisions of this Act, by the municipalities granting bonuses to the said Company, or until the municipalities which they represent have refused to grant such bonuses, and it shall be lawful for the Provisional Directors for the time being of the said Company, or a majority of the directors present, at a meeting called for the purpose to supply the place or places of any of their number from time to time, declining or dying, or becoming incapable to act as such Provisional Directors. 25 30 35

Ex-officio directors.

7. When, and so soon as any municipality shall grant a bonus to aid the said Company as hereinafter mentioned, the reeve or other head of such municipality, shall be ex-officio a director of the said Company, in lieu of the Provisional Director then representing said municipality. 40

One director for each municipality.

8. There shall be one director for each municipality which shall have granted a bonus to the said Company, which said directors, together with the ex-officio directors under the Railway Act, shall constitute the board of directors of the said Company. 45

Quorum.

9. At all meetings of the board of directors, whether of provisional directors or those appointed as hereinbefore provided, a majority of the board shall form a quorum for the transaction of business, and the said board of directors may employ one of their number as paid director. 50



10. In case at least of the persons rated on the last By-laws for  
assessment roll as freeholders, who may be qualified voters under  
the Municipal Act in any municipality or portion of a municipi-  
pality do petition the council of such municipality, defining in  
5 the case of a portion of a municipality, the metes and bounds of  
the section of the municipality, within which the property of  
the petitioners is situated, and expressing the desire of the said  
petitioners to aid in the construction of the said railway, by  
granting a bonus to the said Company for this purpose, and  
10 stating the amount which they so desire to give and grant, and  
to be assessed therefor, the council of such municipality shall  
introduce a by-law and submit the said by-law to the vote of  
the qualified ratepayers of the municipality, or portion of a  
municipality defined in the said petition :

15 1. For raising the amount so petitioned for by such free-  
holders in such municipality or portion of a municipality, by  
the issue of the debentures of the municipality, payable in  
twenty years or earlier, or by annual investments, and for the  
delivery to trustees of the debentures for the amount of said  
20 bonus, at the times and on the terms specified in the said  
petition;

2. For assessing and levying upon all the ratable property  
lying within the municipality or portion of the municipality,  
defined by said petition an annual special rate, sufficient to  
25 include a sinking fund for the repayment of the debentures with  
interest thereon, said interest to be payable yearly or half-  
yearly, which debentures the municipal council and the reeves  
and other officers thereof are hereby authorized to execute and  
issue in such cases respectively : Provided that the said by-law  
30 shall not be valid unless it has received the assent of the duly  
qualified ratepayers of the municipality or portion of the municipi-  
pality, in the manner provided by law, in the case of a by-  
law requiring the assent of the ratepayers of a municipality  
before its final passing: Provided also, that in case a by-law  
35 submitted to the votes of the qualified electors, under this section,  
be disapproved of by the majority of the votes given thereon,  
it shall be competent for persons rated and qualified as  
aforesaid to present another petition, praying to have the ques-  
tion of aiding the said Company again submitted, and all the  
40 provisions of this section shall apply to such supplementary  
petition: Provided that before any such by-law is submitted, the  
Railway Company shall deposit with the treasurer of the municipi-  
pality, a sum sufficient to pay the expenses incurred in the  
subscription of and voting upon such by-law aforesaid, which,  
45 said sum, in the event of the by-law having been approved of,  
shall be refunded to the said Company, but not otherwise.

11. It shall be the duty of the reeve, or other head of the Proceedings  
council, upon such petition, to call a meeting of the council for in by-law.  
the purpose of introducing such by-law, and submitting the  
50 same to the ratepayers ; and within after the passing of  
such by-law, the said council and the reeve, or other head  
thereof, and the other officers thereof, shall issue the debentures  
for the bonus thereby granted, and deliver the same to the trust-  
tees appointed, or to be appointed, under this act.

55 12. Whenever a municipality, or portion of a municipality, Trustees of  
shall grant a bonus to aid the said company, the debentures debentures to  
be appointed.



therefor shall be within                      after the passing of the by-law, delivered to three trustees,—one to be named by the Company, one by the municipalities granting such bonuses, and one by the Lieutenant-Governor in Council: Provided always that if the municipal councils interested shall refuse or neglect to name a trustee within four weeks after notice in writing to them of the appointment by the Company, then the Company shall be at liberty to name such trustee; in the event of the death, resignation, or inability or refusal to act of any trustee, the party who originally appointed such trustee so dying, resigning, or becoming incapable or unwilling to act, may appoint a successor, and in the event of such party failing for two weeks after notice in writing to make such appointment, the Company may appoint such trustee.

**Powers of Trustees.**

**13.** The said trustees shall receive the said debentures on trust,—firstly, to deposit the same in some chartered bank of the Province, in the Town of Guelph; secondly, to convert the same, or any of them, into money, whenever required to do so by the directors of the said Company, but subject to the conditions of the by-law in relation thereto as to time and manner, and to deposit the amounts realized from the sale thereof in such bank in the name of the Arthur Junction Railway Company Trust Account, and to pay the same out to the said Company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in Schedule “B” hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is applied, and the total amount expended on such portion to the date of the certificate, and such certificate shall be attached to the cheque to be drawn by the said trustees.

**Act of two trustees valid.**

**14.** The act of any two of such trustees shall be as valid and binding as if the three had agreed.

**Commencement and completion.**

**15.** The railway shall be commenced within                      years, and fully completed within                      years after the passing of this Act.

**Arrangements with other companies.**

**16.** The Company incorporated by this Act may enter into any arrangement with any other railway company or companies which is lawfully empowered to enter into such an agreement, for the leasing or working of the said railway, on such terms and conditions as the directors of the several companies may agree on; or for leasing or hiring from such other company or companies, any portion of their railway or the use thereof, or for the leasing or hiring any locomotives or other movable property from such company or persons, and generally to make any agreement or agreements with any other company touching the use, by one or the other, or by both companies, of the railway or rolling stock of either or both, or any part thereof; or touching any service to be rendered by the one company to the other, and the compensation therefor; and any such agreement shall be valid and binding, according to the law and tenor thereof; and the company or companies leasing or entering into agreement for using the said line, may, and are hereby authorized to, work the said railway, and in the same manner as if incorporated with its own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

17. Conveyances of land to the said Company for the purposes of, and the powers given by this Act, in the form set out in Schedule "A," hereunder written, or to the like effect, shall be sufficient conveyances to the said Company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively, of all persons executing the same; and such conveyances shall be registered in the same manner, and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Form of conveyances.

### SCHEDULE "A,"

Know all men by these presents that I (or we) (*insert the name or names of the vendors*), in consideration of dollars paid to me (or us) by the Arthur Junction Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the name of any other party or parties*), in consideration of paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be) of land situate (*describe the land*), the same having been selected and laid out by the said Company for the purposes of this Railway, to hold with the appurtenances unto the said Arthur Junction Railway Company, their successors and assigns (*here insert any other clauses, covenants and conditions required*), and I (or we), the wife (or wives) of the said , do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of , one thousand eight hundred and seventy-

Signed, sealed and delivered [L. S.]  
in the presence of

### 35 SCHEDULE "B."

#### *Chief Engineer's Certificate.*

THE ARTHUR JUNCTION RAILWAY COMPANY'S OFFICE,  
Engineer's Department, No. ,  
A.D. one thousand eight hundred and seventy-

Certificate to be attached to cheques drawn on the Arthur Junction Railway Municipal Trust Account, given under section thirteen of chapter of the Acts of the Legislature of Ontario, passed in the forty-first year of Her Majesty's reign.

I, A. B., Chief Engineer for the Arthur Junction Railway Company, do hereby certify that the said Company has fulfilled the terms and conditions necessary to be fulfilled under the By-law No. of the Township of (or under the agreement dated the day of , between the Corporation of and the said Company), to entitle the said Company to receive from the said Trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled*).

No. 13.

Third Session, Third Parliament, 41 Vic. 1878.

BILL,

An Act to Incorporate the Arthur Junction  
Railway Company.

First Reading,	1878.
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(*PRIVATE BILL.*)

Mr. McGOWAN.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.



No. 13.]

## BILL.

[1878.

### An Act to incorporate the Arthur Junction Railway Company.

**W**HEREAS Joseph Draper, Thomas Whale, Mark Langdon Preamble.  
Thomas Graham, George Povey, and Frederick Jasper  
Chadwick have represented that the construction of a railway,  
from some point on the line of the Wellington, Grey and Bruce,  
5 Railway, in the Township of Peel, in the County of Wellington,  
to the Village of Arthur, in said county, has become desirable  
for the purpose of developing certain portions of the County  
of Wellington, and for the public benefit and accommodation  
of the inhabitants thereof: And whereas the said Joseph  
10 Draper, Thomas Whale, Mark Langdon, Thomas Graham,  
George Povey, and Frederick Jasper Chadwick, have petitioned  
that an Act may pass to construct the aforesaid railway: And  
whereas it is expedient to grant the prayer of the said petition:  
Therefore Her Majesty, by and with the advice and consent  
15 of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

**1.** Joseph Draper, Thomas Whale, Mark Langdon, Thomas Incorporation.  
Graham, George Povey and Frederick Jasper Chadwick, together  
with such persons and corporations as shall in pursuance of  
20 this Act become shareholders in the said Company hereby in-  
corporated, shall become and are hereby declared to be a body  
corporate and politic by the name of "The Arthur Junction Name.  
Railway Company."

**2.** The several clauses of the Railway Act of the Consoli- Certain clauses  
25 dated Statutes of Canada and amendments thereto with of the Railway  
respect to the first, second, third, fourth, fifth and sixth Act to apply.  
clauses thereof, also the several clauses thereof, with respect to  
"interpretation," "incorporation," "powers," "plans and sur-  
veys," "lands and their valuation," "highways and bridges,"  
30 "fences," "tolls," "general meetings," "president and direc-  
tors, their election and duties," "calls," "shares and their  
transfer," "municipalities," "shareholders," "actions for  
indemnity, and fines, and penalties, and their prosecution,"  
"by-laws, notices, &c.," "working of the railway" and "general  
35 provisions," shall be deemed to be part of this Act, and shall  
apply to the said Company and to the railway to be con-  
structed by them, except so far as they may be inconsistent with  
the enactments hereof; and the expression, "this Act," when Interpretation  
used herein, shall be understood to include the clauses of the of the words  
40 said Railway Act so incorporated with this Act as aforesaid. "this Act."

**3.** The Company hereby incorporated, and their agents or Line of Rail-  
servants shall have full power and authority under this Act, way.  
to construct a railway from some point on the line of the Wel-



lington, Grey and Bruce Railway, in the Township of Peel, in the County of Wellington, to the Village of Arthur, in said County.

Depots, &c.;

4. The said Company may construct depots, stations, warehouses, elevators, workshops, offices and other buildings, and works at or near any one of the several points on the line of railway hereby authorized, and it shall be lawful for the said Company to take and appropriate for the use of their said railway, and the works connected therewith, so much of the land as may be necessary for the works of the said railway, but not to alienate the same save as is hereinafter mentioned. 5 10

auge.

5. The said railway shall be of the gauge of four feet and eight and one-half inches.

apital.

6. The capital of the Company hereby incorporated shall be ten thousand dollars with power to increase the same in manner provided by the Railway Act, to be divided into two hundred shares of fifty dollars each, and shall be raised by the persons and corporations which may become shareholders in such Company, and the money so raised shall be applied in the first place to the payment of the expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway and the purposes of this Act. 15 20 25

Provisional directors.

7. Joseph Draper, Thomas Whale, Mark Langdon, Thomas Graham, George Povey and Frederick Jasper Chadwick shall be, and are hereby constituted a Board of Provisional Directors of the said Company, three of whom shall be a quorum with power to fill vacancies therein; to open stock books and procure subscriptions for the undertaking; to make calls on the subscribers; to cause surveys and plans to be executed; and to call a general meeting of the shareholders for the election of Directors as hereinafter provided, and with all such powers as under the Railway Act or any other law in force in Ontario are vested in such Boards; and the said Provisional Directors, or a majority of them, may in their discretion exclude any person from subscribing who, in their judgment, would hinder or delay the Company in proceeding with their undertaking under the provisions of this Act. 30 35 40

Election of directors.

8. When, and so soon as shares to the amount of two thousand dollars of the capital stock of the Company shall have been subscribed, and ten per centum thereof shall have been paid into one of the Chartered Banks of the Dominion, the Provisional Directors, or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing Directors, giving at least two weeks notice in a paper published in the Village of Arthur and in the *Ontario Gazette*, of the time, place and object of such general meeting, and at such general meeting the shareholders present, either in person or by proxy, and who shall at the opening of such meeting have paid the ten per cent. on the stock subscribed by them, shall elect three persons to be directors of the said company in manner and qualified as hereinafter directed, which 45 50

said directors together with ex-officio directors under this Act shall constitute a board of directors, and shall hold office until the thirtieth day of June in the year following their election.

9. When and so soon as any municipality shall grant a bonus Municipal directors.  
 5 to aid the said Company as hereinafter mentioned, the reeve or other head of such municipality, shall be ex-officio a director of the said Company.

10. At all meetings of the board of directors, other than pro- Quorum of directors.  
 10 a majority of the board shall form a quorum for the transaction of business, and the said board of directors may employ one of their number as paid director.

11. The directors for the time being may from time to time Calls.  
 15 make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days notice of each call shall be given as provided in section seven. The sums so paid shall not be withdrawn from the Bank except for the purposes of this Act.

20 12. It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof Stock may be paid in full.  
 at the time of subscription or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, and  
 25 thereupon to issue to each subscriber scrip to the full amount of such stock subscribed.

13. The directors may make or issue stock as paid up stock Payments may be made on paid up stock.  
 and may pay or agree to pay in such or any paid up stock such sums as they deem expedient to engineers or contractors or for  
 30 right of way, or material, plant, or rolling stock, building or lands; and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of right of way, material, works, plant, rolling  
 35 stock, buildings or lands, whether such promoters or other persons be provisional directors or not.

14. The general annual meeting of the shareholders of the Annual meet-  
ings.  
 said company shall be held at such place in the Village of Arthur, and on such days and at such hours as may be directed  
 40 by the by-laws of the said company, and public notice thereof shall be given at least two weeks previously in the *Ontario Gazette* and once a week for two weeks in one newspaper published at the said Village of Arthur, if such there be.

15. Special general meetings of the shareholders of the said Special meet-  
ing.  
 45 company may be held at such places, times, and in such manner and for such purposes as may be provided by the by-laws of the said company.

16. In the election of directors under this Act no person Qualification  
of Directors.  
 shall be elected a director unless he shall be the holder and  
 50 owner of at least five shares of the stock of the said company upon which all calls have been paid.

Aliens may be shareholders.

**17.** Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders whether resident in this province or elsewhere shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company, and the shares held by such other companies may be held by trustees for them who shall have and may exercise all the powers, privileges and rights of ordinary shareholders. 5

Quorum of provisional directors.

**18.** At all meetings of the board of provisional directors four members shall form a quorum for the transaction of business, and the said board of directors may employ one of their number as paid director.

Company may receive aid from Government, &c.

**19.** The said company may receive from any Government or from any persons or bodies corporate, municipal or politic, that may have power to make or grant the same aid towards the construction, equipment or maintenance of the said railway. 15

Municipalities may exempt company from taxation.

**20.** It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate by by-law especially passed for that purpose to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient not exceeding ten years. 20 25

Aid to railway from municipalities.

**21.** And it shall further be lawful for any municipality or any portion of any township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, to aid and assist the said company by loaning, or guaranteeing or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company and otherwise in such manner and to such extent as such municipality shall think expedient: Provided always that when said bonds or debentures are granted by a portion of a township municipality the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus or guarantee shall be given except after the passing of by-laws for the purpose and the adoption of such by-laws by the ratepayers as provided in the Municipal Act for the creation of debts. 30 35 40 45

Petitions for aid by county municipality.

**22.** In the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves or of twenty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act. 50

Petitions by aid by other than county municipalities.

**23.** In case fifty persons, at least, rated on the last revised assessment roll of any municipality other than a county municipality as freeholders, who may be qualified voters



under the Municipal Act, do petition the council of such municipality, and in such petition expresses the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating  
 5 the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least  
 10 fifty of the persons, who are qualified voters as aforesaid in any portion of the said township municipality do petition the council of the said municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate and expressing the desire of  
 15 the said petitioners to aid in the construction of the said railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after receipt of such petition, introduce the requisite by-law and  
 20 submit the same to the approval of the qualified voters of the said portion of such township municipality;

(1.) For raising the amount so petitioned for by such freeholders in such portion of the municipality by the issue of debentures of the municipality, payable in twenty years, or by  
 25 annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus at the times and on the terms specified in said petition;

(2.) For assessing and levying upon all the ratable property  
 30 lying within the section defined by said petition an equal annual special rate, as near as may be, sufficient to include a sinking fund for the repayment of the debentures with interest thereon, or for the payment of the said yearly instalments, and interest, said interest to be payable yearly or half yearly.

35 **24.** And in case such by-law be approved or carried by the majority of the votes given thereon, then, within one month after the date of such voting, the said council shall read the said by-law a third time and pass the same. Passing by law by the councils.

**25.** And within one month after the passing of such by-law  
 40 the said council and the warden, mayor, reeve or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act. Issuing up the municipal debentures.

**26.** In case any bonus be so granted by a portion of a town-  
 45 ship municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of the township municipality. Rate to be levied only on portion of township granting aid.

**27.** The provisions of the Municipal Acts, so far as the same  
 50 are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality. Certain provisions of the Municipal Act to apply.



Rate not to exceed 3 cents in the \$.

**28.** All by-laws to be submitted to such vote for granting bonuses to the said company not requiring the levy of a greater annual rate for all purposes exclusive of school rates than three cents on the dollar of the ratable property affected thereby shall be valid.

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Extension of time by municipalities for completion of works.

**29.** It shall and may be lawful for the Council of any municipality that may grant or has granted a bonus to the company or the undertaking, and they shall have full power to extend the time for completion of the works, on the completion of 10 which the said company would be entitled to such bonuses.

Right to acquire lands.

**30.** It shall and may be lawful for any municipality interested in securing the construction of the said railway to grant by way of gift to the said company any lands belonging to such municipality which may be required for the purposes of the said railway or the traffic thereof, and the said company shall have power to accept gifts of land from any government, or any person, or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

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Costs of submitting by-law.

**31.** It shall be lawful for the Council of any municipality interested in the construction or maintenance of the said railway, and without complying with the requirements of any Act providing for creation of debts by municipal corporations, on behalf of such township or other municipality to bear all or part of the costs, charges and expenses of and incidental to the submission of any by-law to the said qualified electors for granting a bonus to the said company or may give the said company a bonus on account of such costs and expenses.

Municipalities may empower company to lay rails on highways.

**32.** It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company than with the assent of such company; and it shall and may be lawful for the said company to enter into and perform such agreements as they may from time to time deem expedient with any municipality, corporations, or persons, for the constructing or for the maintenance and repair of gravel or other public roads leading to the said railway.

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Municipal debentures to be held by trustees.

**33.** Whenever any municipality shall grant aid by way of bonus or gift to the said company, the debentures therefore shall be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said Company, and one by the majority of the heads of the Councils of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided if the heads of such municipal Councils interested shall refuse or neglect to name a trustee within four weeks after notice in writing to them of the appointment by the company, then the company shall be at liberty to name such trustee, in the event of the death, resignation, or inability, or refusal to act, of any trustee, the party who originally appointed such trustee so dying, resigning, or becoming incapable or unwilling to act, may ap-

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Appointment of trustees and filling vacancies.

point a successor; and in the event of such party failing for two weeks after notice in writing to make such appointment, the company may appoint such trustee.

5 **34.** The said trustees shall receive the said debentures on trust,—firstly, to convert the same into money, subject to the conditions of the by-laws authorizing the same, or of any agreement between the company and the municipalities; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Dominion, in the name of “The Arthur Junction Railway Company Municipal Trust Account,” and to pay the same into the company from time to time on the certificate of the chief engineer of the said company, in the form set out in the schedule “B” hereto, or to the like effect, and that the sum 15 so certified for is in pursuance of the terms and conditions (if such there be) of the by-law, or of any agreement between the company and the municipality, and such certificate is to be attached to the cheques drawn by the said trustees.

Trusts upon which the debentures are to be held.

20 **35.** The act of any two of such trustees shall be as valid and binding as if the three had agreed.

Acts of two trustees to be binding.

**36.** The said company shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory note or bill of exchange made or endorsed by the president or vice-president of the company and counter- 25 signed by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such note or bill so made shall be presumed to have been made with proper authority, until the contrary be shown; and in no case shall it be necessary 30 to have the seal of the said company affixed to such note or bill, nor shall the president or vice-president or the secretary be individually responsible for the same unless the said notes or bills have been issued without the sanction and authority of the directors, as herein provided and enacted; provided, 35 however, that nothing in this section shall be constituted to authorize the said company to issue any promissory note or bill of exchange, payable to bearer, or intended to be circulated as money or as notes or bills of a bank.

Powers as to bills or notes.

**37.** Whenever it shall be necessary for the purpose of pro- 40 curing sufficient lands for stations or gravel-pits for car-shunting, maintaining or using the said railway, or for water supply; and in case by purchasing the whole of any lot or parcel of land over which the railway is run, the company can obtain at a more reasonable price or at a greater advantage than by 45 purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same, or part thereof, from time to time as they may deem expedient,

Procuring gravel-pits, &c.

50 **38.** The said company may from time to time for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for the construction of the said railway.

Mortgaging bonds.

Telegraph  
lines.

**39.** For the purpose of constructing, working or projecting the telegraph lines to be constructed by the said company on their line of railway, the powers conferred on the telegraphic companies by the Act respecting Electric Telegraph Companies, are hereby conferred upon the said company, and other provisions of the said Act, for the working and protection of telegraph lines shall apply to such telegraph lines constructed by the said company. 5

Leasing rolling  
stock.

**40.** The said company shall have power to lease from any equipment company or other body, any rolling stock that may be required for use on the said road, and may make any contract or agreement with any person or corporation, domestic or foreign. 10

Bonds.

**41.** The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds made and signed by the president and vice-president of the said company and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired, and such holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of twelve thousand dollars per mile, nor shall the amount of such bonds issued at any one time be in excess of the amount actually expended in surveys, purchase of right of way, and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for, and delivered to the company within the Province of Ontario; and provided, also, further, that in the event at any time of the interest upon the said bonds remaining unpaid, and owing then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders: Provided, further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holders thereof. 15 20 25 30 35 40 45

Form of  
bonds.

**42.** All such bonds, debentures, and other securities, and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer, may sue at law thereon in his own name. 50

Commence-  
ment and com-  
pletion of the  
railway.

**43.** The railway shall be commenced within two years, and fully completed within four years after the passing of this Act.



44. The company incorporated by this Act may enter into any arrangement with any other railway company or companies, whether within the legislative authority of this Province or otherwise, which is lawfully empowered to enter into such an agreement for the leasing or working of the said railway, on such terms and conditions, as the directors of the several companies may agree on, or for the construction or partial construction thereof, or for leasing or hiring from such other company or companies, any portion of their railway or the use thereof, or for the leasing or hiring any locomotives or other moveable property from such company or persons, and generally to make any agreement or agreements with any other company touching the use by one or the other, or by both companies, of the railway or rolling stock of either, or both, or any part thereof; or touching any service to be rendered by the one company to the other and the compensation thereof, and any such agreement shall be valid and binding according to the law and tenor thereof; and the company or companies leasing or entering into agreement for using the said line may, and are hereby authorized to work the said railway, and in the same manner as if incorporated with its own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Agreements  
with other  
companies.

45. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into the their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien on receipt of goods subject to charges. for the amount thereof, upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Subrogation of  
lien on receipt  
of goods sub-  
ject to charges.

46. Conveyances of land to the said company for the purpose of and powers given by this Act, made in the form set out in the schedule "A" hereunder, or to the like effect, shall be sufficient conveyances to the said company, their successors and assigns of the estate or interest, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry law of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Form of con-  
veyances to  
the company.

#### SCHEDULE "A,"

Know all men by these presents that I (or we) (*insert the name or names of the vendors*), in consideration of

dollars paid to me (or us) by the Arthur Junction Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the name of any other party or parties*), in consideration of paid to me (or us) by the said Company, the receipt whereof is hereby



acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land situate (*describe the land*), the same having been selected and laid out by the said Company for the purposes of their Railway, to hold with the appurtenances unto the said Arthur Junction Railway Company, their successors and assigns (*here insert any other clauses, covenants and conditions required*), and I (or we), the wife (or wives) of the said , do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of , one thousand eight hundred and seventy-

Signed, sealed and delivered  
in the presence of

[L. S.]

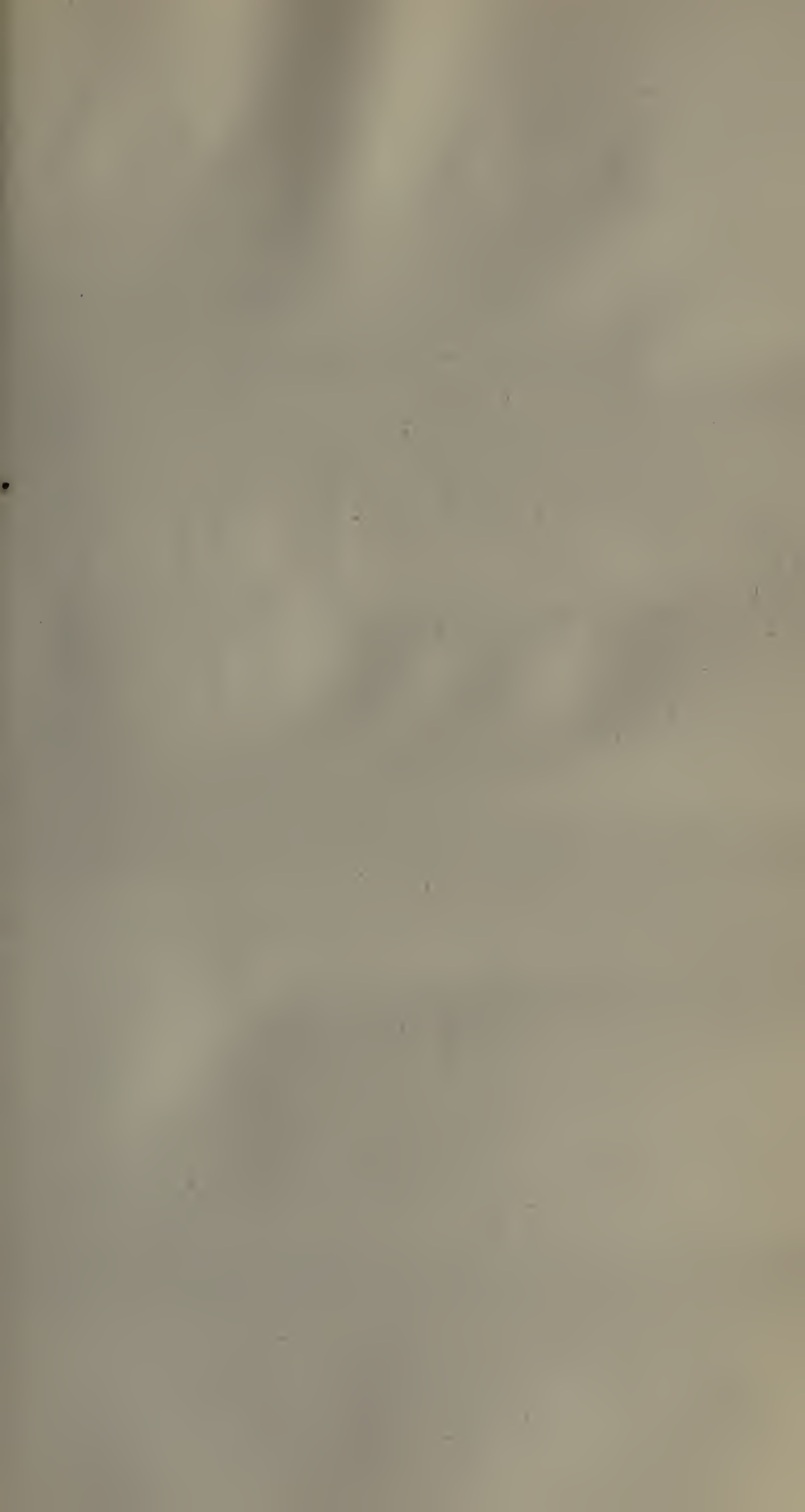
## SCHEDULE "B."

### *Chief Engineer's Certificate.*

THE ARTHUR JUNCTION RAILWAY COMPANY'S OFFICE,  
Engineer's Department, No. ,  
A.D. one thousand eight hundred and  
seventy-

Certificate to be attached to cheques drawn on the Arthur Junction Railway Municipal Trust Account, given under section of chapter of the Acts of the Legislature of Ontario, passed in the forty-first year of Her Majesty's reign.

I, A. B., Chief Engineer for the Arthur Junction Railway Company, do hereby certify that the said Company has fulfilled the terms and conditions necessary to be fulfilled under the By-law No. of the Township of (or under the agreement dated the day of , between the Corporation of and the said Company), to entitle the said Company to receive from the said Trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled*).



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Third Session, Third Parliament, 41 Vic., 1878.

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BILL.

An Act to incorporate the Arthur Junction  
Railway Company.

*(Reprinted as Amended.)*

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First Reading, 23rd January, 1878.

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*(PRIVATE BILL.)*

Mr. McGOWAN.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the Arthur Junction Railway Company.

WHEREAS Joseph Draper, Thomas Whale, Mark Langdon Preamble.

Thomas Graham, George Povey, and Frederick Jasper Chadwick have represented that the construction of a railway, from some point on the line of the Wellington, Grey and Bruce, Railway, in the Township of Peel, in the County of Wellington, to the Village of Arthur, in said county, has become desirable for the purpose of developing certain portions of the County of Wellington, and for the public benefit and accommodation of the inhabitants thereof: And whereas the said Joseph Draper, Thomas Whale, Mark Langdon, Thomas Graham, George Povey, and Frederick Jasper Chadwick, have petitioned that an Act may pass to construct the aforesaid railway: And whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Joseph Draper, Thomas Whale, Mark Langdon, Thomas Graham, George Povey and Frederick Jasper Chadwick, together with such persons and corporations as shall in pursuance of this Act become shareholders in the said Company hereby incorporated, shall become and are hereby declared to be a body corporate and politic by the name of "The Arthur Junction Railway Company." Incorporation

2. The several clauses of the Railway Act of Ontario, and also the several clauses thereof, with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "dividends," "shares and their transfer," "shareholders," "powers of municipalities," "by-laws, notices, &c.," "working of the railway" "actions for indemnities and fines, and penalties, and their prosecution," and "general provisions," shall be incorporated with and deemed to be a part of this Act, and shall apply to the said Company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression, "this Act" when used herein shall be understood to include the clauses of the said Railway Act of Ontario, so incorporated with this Act. Railway Act to apply.

3. The Company hereby incorporated, and their agents or servants shall have full power and authority under this Act, to construct a railway from some point on the line of the Wel- Line of Railway.



lington, Grey and Bruce Railway, in the Township of Peel, in the County of Wellington, to the Village of Arthur, in said County.

Depots, &c.

4. The said Company may construct depots, stations, warehouses, elevators, workshops, offices and other buildings, and works at or near any one of the several points on the line of railway hereby authorized, and it shall be lawful for the said Company to take and appropriate for the use of their said railway, and the works connected therewith, so much of the land as may be necessary for the works of the said railway, but not to alienate the same save as is hereinafter mentioned.

auge.

5. The said railway shall be of the gauge of four feet and eight and one-half inches.

apital.

6. The capital of the Company hereby incorporated shall be ten thousand dollars with power to increase the same in manner provided by the Railway Act, to be divided into two hundred shares of fifty dollars each, and shall be raised by the persons and corporations which may become shareholders in such Company, and the money so raised shall be applied in the first place to the payment of the expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway and the purposes of this Act.

Provisional  
directors.

7. Joseph Draper, Thomas Whale, Mark Langdon, Thomas Graham, George Povey and Frederick Jasper Chadwick shall be, and are hereby constituted a Board of Provisional Directors of the said Company, three of whom shall be a quorum with power to fill vacancies therein; to open stock books and procure subscriptions for the undertaking; to make calls on the subscribers; to cause surveys and plans to be executed; and to call a general meeting of the shareholders for the election of Directors as hereinafter provided, and with all such powers as under the Railway Act or any other law in force in Ontario are vested in such Boards; and the said Provisional Directors, or a majority of them, may in their discretion exclude any person from subscribing who, in their judgment, would hinder or delay the Company in proceeding with their undertaking under the provisions of this Act.

Election of  
directors.

8. When, and so soon as shares to the amount of two thousand dollars of the capital stock of the Company shall have been subscribed, and ten per centum thereof shall have been paid into one of the Chartered Banks of the Dominion, the Provisional Directors, or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing Directors, giving at least two weeks notice in a paper published in the Village of Arthur and in the *Ontario Gazette*, of the time, place and object of such general meeting, and at such general meeting the shareholders present, either in person or by proxy, and who shall at the opening of such meeting have paid the ten per cent. on the stock subscribed by them, shall elect three persons to be directors of the said company in manner and qualified as hereinafter directed, which

said directors together with ex-officio directors under this Act shall constitute a board of directors, and shall hold office until the thirtieth day of June in the year following their election.

9. When and so soon as any municipality shall grant a bonus <sup>Municipal directors.</sup> to aid the said Company as hereinafter mentioned, *and during the construction of the railway*, the reeve, or other head of such municipality, shall be ex-officio a director of the said Company; ~~and~~ provided always, that upon the completion of the said railway, and upon an arrangement being made with any other company <sup>for the working and running thereof, as hereinafter provided,</sup> such reeve, or other head of such municipality, shall cease to be a director of the company hereby incorporated. ~~and~~

10. At all meetings of the board of directors, other than provisional directors or those appointed as hereinbefore provided, <sup>Quorum of directors.</sup> a majority of the board shall form a quorum for the transaction of business, and the said board of directors may employ one of their number as paid director.

11. The directors for the time being may from time to time <sup>Calls.</sup> make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days notice of each call shall be given as provided in section seven. The sums so paid shall not be withdrawn from the Bank except for the purposes of this Act.

12. It shall be lawful for the provisional or elected directors <sup>Stock may be paid in full.</sup> to accept payment in full for stock from any subscriber thereof at the time of subscription or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed.

13. The directors may make or issue stock as paid up stock <sup>Payments may be made on paid up stock.</sup> and may pay or agree to pay in such or any paid up stock such sums as they deem expedient to engineers or contractors or for right of way, or material, plant, or rolling stock, building or lands; and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of right of way, material, works, plant, rolling stock, buildings or lands, whether such promoters or other persons be provisional directors or not.

14. The general annual meeting of the shareholders of the said company shall be held at such place, and on such days and <sup>Annual meeting.</sup> at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least two weeks previously in the *Ontario Gazette* and once a week for two weeks in one newspaper published at the said Village of Arthur, if such there be.

15. Special general meetings of the shareholders of the said <sup>Special meeting.</sup> company may be held at such places, times, and in such manner and for such purposes as may be provided by the by-laws of the said company.

Qualification  
of Directors.

**16.** In the election of directors under this Act no person shall be elected a director unless he shall be the holder and owner of at least five shares of the stock of the said company upon which all calls have been paid.

Aliens may be  
shareholders.

**17.** Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders whether resident in this province or elsewhere shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company, and the shares held by such other companies may be held by trustees for them who shall have and may exercise all the powers, privileges and rights of ordinary shareholders.

Quorum of  
provisional  
directors.

**18.** At all meetings of the board of provisional directors four members shall form a quorum for the transaction of business, and the said board of directors may employ one of their number as paid director.

Company may  
receive aid  
from Govern-  
ment, &c.

**19.** The said company may receive from any Government or from any persons or bodies corporate, municipal or politic, that may have power to make or grant the same aid towards the construction, equipment or maintenance of the said railway.

Municipalities  
may exempt  
company from  
taxation.

**20.** It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate by by-law especially passed for that purpose to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient not exceeding ten years.

Aid to railway  
from municipi-  
palities.

**21.** And it shall further be lawful for any municipality or any portion of any township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, to aid and assist the said company by loaning, or guaranteeing or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company and otherwise in such manner and to such extent as such municipality shall think expedient: Provided always that when said bonds or debentures are granted by a portion of a township municipality the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus or guarantee shall be given except after the passing of by-laws for the purpose and the adoption of such by-laws by the rate-payers as provided in the Municipal Act for the creation of debts.

Petitions for  
aid by county  
municipality.

**22.** In the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves or of twenty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act.



**23.** In case fifty persons, at least, rated on the last revised assessment roll of any municipality other than a county municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition expresses the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least fifty of the persons, who are qualified voters as aforesaid in any portion of the said township municipality do petition the council of the said municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after receipt of such petition, introduce the requisite by-law and submit the same to the approval of the qualified voters of the said portion of such township municipality;

(1.) For raising the amount so petitioned for by such freeholders in such portion of the municipality by the issue of debentures of the municipality, payable in twenty years, or by annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus at the times and on the terms specified in said petition;

(2.) For assessing and levying upon all the ratable property lying within the section defined by said petition an equal annual special rate, as near as may be, sufficient to include a sinking fund for the repayment of the debentures with interest thereon, or for the payment of the said yearly instalments, and interest, said interest to be payable yearly or half yearly.

**24.** And in case such by-law be approved or carried by the majority of the votes given thereon, then, within one month after the date of such voting, the said council shall read the said by-law a third time and pass the same.

**25.** And within one month after the passing of such by-law the said council and the warden, mayor, reeve or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

**26.** In case any bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of the township municipality.

**27.** The provisions of the Municipal Acts, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Petitions by aid by other than county municipalities.

Passing by-law by the councils.

Issuing up the municipal debentures.

Rate to be levied only on portion of township granting aid.

Certain provisions of the Municipal Act to apply.



Rate not to  
exceed 3 cents  
in the \$.

**28.** All by-laws to be submitted to such vote for granting bonuses to the said company not requiring the levy of a greater annual rate for all purposes exclusive of school rates than three cents on the dollar of the ratable property affected thereby shall be valid.

5

Extension of  
time by muni-  
cipalities for  
completion of  
works.

**29.** It shall and may be lawful for the Council of any municipality that may grant or has granted a bonus to the company or the undertaking, and they shall have full power to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonuses.

10

Right to ac-  
quire lands.

**30.** It shall and may be lawful for any municipality interested in securing the construction of the said railway to grant by way of gift to the said company any lands belonging to such municipality which may be required for the purposes of the said railway or the traffic thereof, and the said company shall have 15 power to accept gifts of land from any government, or any person, or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Costs of sub-  
mitting by-  
law.

**31.** It shall be lawful for the Council of any municipality 20 interested in the construction or maintenance of the said railway, and without complying with the requirements of any Act providing for creation of debts by municipal corporations, on behalf of such township or other municipality to bear all or part of the costs, charges and expenses of and incidental to the submission 25 of any by-law to the said qualified electors for granting a bonus to the said company or may give the said company a bonus on account of such costs and expenses.

Municipalities  
may empower  
company to  
lay rails on  
highways.

**32.** It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the 30 premises, to pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company than with the assent of such company; and it 35 shall and may be lawful for the said company to enter into and perform such agreements as they may from time to time deem expedient with any municipality, corporations, or persons, for the constructing or for the maintenance and repair of gravel or other public roads leading to the said railway.

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Municipal  
debentures to  
be held by  
trustees.

**33.** Whenever any municipality shall grant aid by way of bonus or gift to the said company, the debentures therefore shall be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said Company, and one by the majority of the heads of the Councils of the muni- 45 cipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided if the heads of such municipal Councils interested shall refuse or neglect to name a trustee within four weeks after notice in writing to them of the appointment by the company, then the company 50 shall be at liberty to name such trustee, in the event of the death, resignation, or inability, or refusal to act, of any trustee, the party who originally appointed such trustee so dying, resigning, or becoming incapable or unwilling to act, may ap-

Appointment  
of trustees and  
filling vacan-  
cies.

point a successor; and in the event of such party failing for two weeks after notice in writing to make such appointment, the company may appoint such trustee.

**34.** The said trustees shall receive the said debentures on trust,—firstly, to convert the same into money, subject to the conditions of the by-laws authorizing the same, or of any agreement between the company and the municipalities; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Dominion, in the name of “The Arthur Junction Railway Company Municipal Trust Account,” and to pay the same into the company from time to time on the certificate of the chief engineer of the said company, in the form set out in the schedule “B” hereto, or to the like effect, and that the sum so certified for is in pursuance of the terms and conditions (if such there be) of the by-law, or of any agreement between the company and the municipality, and such certificate is to be attached to the cheques drawn by the said trustees.

Trusts upon which the debentures are to be held.

**35.** The act of any two of such trustees shall be as valid and binding as if the three had agreed.

Acts of two trustees to be binding.

**36.** The said company shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory note or bill of exchange made or endorsed by the president or vice-president of the company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such note or bill so made shall be presumed to have been made with proper authority, until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such note or bill, nor shall the president or vice-president or the secretary be individually responsible for the same unless the said notes or bills have been issued without the sanction and authority of the directors, as herein provided and enacted; provided, however, that nothing in this section shall be constituted to authorize the said company to issue any promissory note or bill of exchange, payable to bearer, or intended to be circulated as money or as notes or bills of a bank.

Powers as to bills or notes.

**37.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel-pits for car-shunting, maintaining or using the said railway, or for water supply; and in case by purchasing the whole of any lot or parcel of land over which the railway is run, the company can obtain at a more reasonable price or at a greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same, or part thereof, from time to time as they may deem expedient, *but the compulsory clauses of the Railway Act shall not apply.*

Procuring gravel-pits, &c.

**38.** The said company may from time to time for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for the construction of the said railway.

Mortgaging bonds.

Telegraph  
lines.

**39.** For the purpose of constructing, working or projecting the telegraph lines to be constructed by the said company on their line of railway, the powers conferred on the telegraphic companies by the Act respecting Electric Telegraph Companies, are hereby conferred upon the said company, and other provisions of the said Act, for the working and protection of telegraph lines shall apply to such telegraph lines constructed by the said company.

Leasing rolling  
stock.

**40.** The said company shall have power to lease from any equipment company or other body, any rolling stock that may be required for use on the said road, and may make any contract or agreement with any person or corporation, domestic or foreign.

Bonds.

**41.** The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds made and signed by the president and vice-president of the said company and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired, and such holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of twelve thousand dollars per mile, nor shall the amount of such bonds issued at any one time be in excess of the amount actually expended in surveys, purchase of right of way, and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for, and delivered to the company within the Province of Ontario; and provided, also, further, that *it shall be lawful to provide in and by the said bonds that* in the event at any time of the interest upon the said bonds remaining unpaid, and owing then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders: Provided, further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holders thereof.

Form of  
bonds.

**42.** All such bonds, debentures, and other securities, and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer, may sue at law thereon in his own name.

Commence-  
ment and com-  
pletion of the  
railway.

**43.** The railway shall be commenced within two years, and fully completed within four years after the passing of this Act.



44. The company incorporated by this Act may enter into any arrangement with any other railway company or companies, whether within the legislative authority of this Province or otherwise, which is lawfully empowered to enter into such an agreement for the leasing or working of the said railway, on such terms and conditions, as the directors of the several companies may agree on, or for the construction or partial construction thereof, or for leasing or hiring from such other company or companies, any portion of their railway or the use thereof, or for the leasing or hiring any locomotives or other moveable property from such company or persons, and generally to make any agreement or agreements with any other company touching the use by one or the other, or by both companies, of the railway or rolling stock of either, or both, or any part thereof; or touching any service to be rendered by the one company to the other and the compensation thereof, and any such agreement shall be valid and binding according to the law and tenor thereof; and the company or companies leasing or entering into agreement for using the said line may, and are hereby authorized to work the said railway, and in the same manner as if incorporated with its own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Agreements  
with other  
companies.

45. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into the their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof, upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Subrogation of  
lien on receipt  
of goods sub-  
ject to charges.

46. Conveyances of land to the said company for the purpose of and powers given by this Act, made in the form set out in the schedule "A" hereunder, or to the like effect, shall be sufficient conveyances to the said company, their successors and assigns of the estate or interest, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry law of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Form of con-  
veyances to  
the company.

#### SCHEDULE "A,"

Know all men by these presents that I (or we) (*insert the name or names of the vendors*), in consideration of

dollars paid to me (or us) by the Arthur Junction Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the name of any other party or parties*), in consideration of \_\_\_\_\_ paid to me (or us) by the said Company, the receipt whereof is hereby



acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land situate (*describe the land*), the same having been selected and laid out by the said Company for the purposes of their Railway, to hold with the appurtenances unto the said Arthur Junction Railway Company, their successors and assigns (*here insert any other clauses, covenants and conditions required*), and I (or we), the wife (or wives) of the said \_\_\_\_\_, do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and seventy-\_\_\_\_\_.

Signed, sealed and delivered  
in the presence of

[L. S.]

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### SCHEDULE "B."

#### *Chief Engineer's Certificate.*

THE ARTHUR JUNCTION RAILWAY COMPANY'S OFFICE,  
Engineer's Department, No. \_\_\_\_\_,  
A.D. one thousand eight hundred and  
seventy-\_\_\_\_\_.

Certificate to be attached to cheques drawn on the Arthur Junction Railway Municipal Trust Account, given under section \_\_\_\_\_ of chapter \_\_\_\_\_ of the Acts of the Legislature of Ontario, passed in the forty-first year of Her Majesty's reign.

I, A. B., Chief Engineer for the Arthur Junction Railway Company, do hereby certify that the said Company has fulfilled the terms and conditions necessary to be fulfilled under the By-law No. \_\_\_\_\_ of the Township of \_\_\_\_\_ (or under the agreement dated the \_\_\_\_\_ day of \_\_\_\_\_, between the Corporation of \_\_\_\_\_ and the said Company), to entitle the said Company to receive from the said Trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled*).



Third Session, Third Parliament, 41 Vic. 1878.

BILL.

An Act to incorporate the Arthur Junction  
Railway Company.

*(Reprinted as Amended.)*

First Reading, 23rd January, 1878.

Second " 11th February, 1878.

*(PRIVATE BILL.)*

Mr. McGOWAN.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Burnside Lying-in-Hospital  
and the Toronto General Hospital.

WHEREAS The Burnside Lying-in-Hospital of Toronto, Preamble.

incorporated by an Act passed in the thirty-first year of  
Her Majesty's Reign, chaptered sixty-two, has been carried on  
from the date of its Charter until the present time, and has  
under the said Charter acquired certain real and personal prop-  
erty of which it is now possessed; and whereas the said cor-  
poration has, by petition set forth, that for several reasons  
therein mentioned, the objects of the charity could be more  
efficiently attained and managed if the said Lying-in-Hospital  
was incorporated with the Toronto General Hospital, and has  
prayed that an Act may be passed to unite the two charities so  
that all the property and effects, real and personal, of the said  
Burnside Lying-in-Hospital may be vested in the Trustees of  
the Toronto General Hospital; and whereas the Trustees of  
the Toronto General Hospital have, by their petition, prayed  
that such an Act may be passed, and that they may be author-  
ized to accept and hold the said personal and real effects and  
property, and deal with the same real estate by lease, sale or  
otherwise as may be best for the interest of the united chari-  
ties, with power to the said Trustees of the Toronto General  
Hospital to erect a Lying-in-Hospital upon a portion of the site  
of the present Toronto General Hospital, and to manage the  
same as part of the said Toronto General Hospital, under the  
Act incorporating the said trustees and the several amendments  
thereof; and whereas the two charities have agreed among  
themselves upon the terms of such union and amalgamation in  
certain articles of agreement reduced to writing and duly exe-  
cuted between them; and whereas it is expedient to grant the  
prayer of the said petitions;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. From and after the passing of this Act, all the estate, prop-  
erty and effects, real and personal, acquired by and now vested  
in the said Burnside Lying-in-Hospital, or held in trust for them  
by any person or persons, together with all the rights, privi-  
leges, powers and franchise conferred in and by their Act of in-  
corporation shall be, and the same are hereby absolutely vested  
in the said Trustees of the Toronto General Hospital, their suc-  
cessors and assigns forever, with full power and authority to  
accept, hold, sell, lease, convey and otherwise manage the same,  
and the said Burnside Lying-in-Hospital shall be, and is hereby  
merged in, and become part and parcel of the said Toronto  
General Hospital.

Property of  
Lying-in-Hos-  
pital vested in  
Toronto Hos-  
pital.



Buildings to  
be erected.

2. It shall be the duty of the Trustees of the Toronto General Hospital to proceed forthwith in the erection of a building upon a portion of the site of the present Toronto General Hospital suitable in every respect for the purpose of a Lying-in-Hospital, and complete the same with all possible despatch, and to establish, maintain and support the same in connection with the Toronto General Hospital as part and parcel thereof upon the terms set forth in the said agreement, and such building shall be called and known by the name and designation of the Burnside Lying-in-Hospital. 5 10

Annual  
meetings.

3. A meeting of the annual subscribers to the funds of the hospital of twenty dollars and upwards, shall be held on the first Tuesday of the month of December in each and every year for the election of a trustee for the ensuing year pursuant to the Act passed in the thirty ninth year of Her Majesty's reign, and chaptered sixty-five. 15

To be held at  
Toronto.

4. The said meeting shall be held at such time and place within the City of Toronto as the said trustees shall by resolution appoint, and public notice thereof shall be given by the secretary of the said trustees for the time being, in two newspapers published daily in the said city for ten days at least, prior to the holding of the said meeting. 20

Chairman.

5. The Solicitor of the Hospital Trust, for the time being, shall preside at such meeting, as chairman; and shall call the meeting to order at the hour named in the said notice, and the Secretary of the Trust, for the time being, shall act as the secretary of the said meeting; and shall produce, and lay upon the table, for public inspection, a certified list of the annual subscribers, and others entitled to vote at such election, with the amount of each individual subscription. 25 30

Election of  
trustees.

6. Such election shall be by ballot taken by two or more scrutineers to be appointed by the chairman, and each subscriber, whose name shall appear upon the said list, shall be entitled to one vote at such election, for each and every twenty dollars, subscribed by him or her, to the number of ten votes, but no subscriber shall be entitled to more than ten votes at any one election; such vote may be given in person, or by proxy, under a power of attorney duly executed under the hand of a subscriber, provided, that the said power shall be held by a subscriber, entitled to vote at such election, and shall be valid only for one year, and the subscriber for whom the largest number of votes shall then be given, shall be the trustee for the next ensuing year. 35 40

Benefactors.

7. Every subscriber contributing the sum of five hundred dollars, and upwards to the funds of the said hospital, shall be called "Benefactor" of the said charity, and it shall be the duty of the trustees, to erect a tablet, in the principal entrance hall of the said hospital, upon which shall be inscribed from time to time, the names of the said benefactors, and the amounts severally subscribed by them, and such benefactors, shall also be visitors of the said hospital, and shall have a right to vote at all annual elections of trustees, according to the scale of votes hereinbefore mentioned. 45 50

8. If at any time hereafter the Government of Ontario shall deem it advisable to erect any building or buildings, for hospital purposes or cases (not infectious) and not under treatment in the Toronto General Hospital or by the trustees thereof, they shall have power to erect the same, on any portion of the unoccupied ground, forming the present site of the Toronto General Hospital, and place the care of the same, and the entire economic management thereof, under the Trustees of the Toronto General Hospital. Government aid.

9. Upon the passing of an order of the Lieutenant-Governor in Council to that effect, it shall be the duty of the Trustees of the Toronto General Hospital forthwith to assume the care and management of any such building or buildings; and the inmates and patients thereof, and carry on the same, in the same way, and upon the same terms, and to the same extent in every way as they now manage the Toronto General Hospital. Proclamation.

10. After the passing of this Act, the statutory returns of the Toronto General Hospital shall be rendered quarterly, instead of yearly, as heretofore; and when certified by the proper officer, the amount earned, according to the said returns, may, by order of His Honour, the Lieutenant-Governor in Council, be paid quarterly to the said trustees. Statutory returns.

11. In case the Government of Ontario shall be dissatisfied with the care or management exercised by the said trustees, of and over the said building or buildings so erected by them, and placed under the said trustees, or of the patients and inmates thereof and their treatment, it shall be lawful for the Government to resume possession of the said building or buildings, and place the same together with the inmates or patients thereof, under other and different care and management, and from thenceforth to possess and have and enjoy full and undisturbed ingress and egress to and from the same for all purposes whatsoever. Government powers.

BILL.

An Act respecting the Burnside Lying-in  
Hospital and the Toronto General Hos-  
pital.

First Reading,	1878.
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(*PRIVATE BILL.*)

Mr. CHISHOLM

An Act to incorporate the St. Thomas Street  
Railway Company.

WHEREAS certain persons have by their petition prayed Preamble.

that they may be incorporated under the title of "The St. Thomas Street Railway Company," for the purpose of constructing and operating Street Railways in the Town of St. Thomas and the adjoining Municipalities, and whereas it is expedient to grant the prayer of the petitioners:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

10 1. Colin Munro, M. H. Taylor, Duncan McLarty, Elijah Moore and W. F. Ellis, all of the Town of St. Thomas, Esquires, and such other persons as shall hereafter become shareholders of the said Company, are hereby constituted a body corporate and politic under the name of the St. Thomas Street Railway  
15 Company. Incorporation and corporate name.

2. The Capital Stock of the Company shall be twenty thousand dollars in four hundred shares of fifty dollars each. Capital.

3. The Company may begin to exercise the powers hereby granted as soon as five thousand dollars of the Capital shall be subscribed and ten per centum thereon paid up, but the Company shall commence the construction of the said Railway within one year from the passing of this Act, and shall commence to run cars upon the said Railway and work and operate said Railway in good running order within three years from  
25 the passing of this Act, otherwise this Act to be void and of none effect. Commencement of operations.

4. Colin Munro, M. H. Taylor, Duncan McLarty, Elijah Moore and W. F. Ellis shall be Provisional Directors of the said Company to obtain subscriptions for stock and organize said  
30 Company, and shall hold office until the Election of Directors as hereinafter provided for. Provisional directors.

5. As soon as five thousand dollars of the capital stock has been subscribed and ten percentum thereon paid up, the shareholders shall proceed to the election of a Board of Directors for  
35 the said Company, and the provisional Directors, or a majority of them shall call a meeting of the shareholders for that purpose, first giving two weeks notice thereof by advertisement in some newspaper published in the Town of St. Thomas. Board of directors.



Constitution  
of board.

6. The Board of Directors shall consist of five directors to be determined at the meeting to be held as provided for in the preceding Section, each of whom shall be a shareholder of not less than two hundred dollars; such election and every question voted on at such meeting shall be decided by ballot by a majority of the votes of the stockholders (who shall have paid all calls made upon the stock held by them) present in person or represented by written proxy; each share to have one vote, the Directors so chosen shall immediately elect one of their own number to be President, which President and Directors shall continue in office for one year, and until others shall be chosen to fill their places as may be provided by the By-laws of the said Company; and if any vacancy shall at any time happen by death, resignation or otherwise during said year in the office of President or Directors, the remaining Directors shall supply such vacancy for the remainder of the year; and the election of Directors shall take place annually, either on the anniversary of the day of the first election of Directors, or such other day as may be fixed by the by-laws as hereinafter mentioned.

Powers of  
Company.

7. The Company are hereby authorized and empowered to contract, complete, maintain and operate a double or single iron track Railway with the necessary side-tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same upon and along such streets and highways within the jurisdiction of the Corporation of the Town of St. Thomas, and of any of the adjoining Municipalities as the Company may be authorized to pass along, under, and subject to any agreement hereafter to be made between the said Councils of the said Town and of the said Municipalities respectively, and the said Company, and under and subject to any By-laws of the said corporation of the said Town and Municipalities respectively or any of them made in pursuance thereof, and to take, transfer and carry passengers and freight upon the same by the force or power of animals or such other motive power as may be authorized by the Council of the said Town and Municipalities respectively by By-law to use, and to construct, and to maintain all necessary works, buildings, appliances and conveniences connected therewith.

Powers of di-  
rectors.

8. The Directors shall have full power to make all By-laws and regulations for the management of the Company, the acquirement, management and disposition of its stock, property and effects, and of its affairs and business, the management, collection of cash on its stock and forfeiture thereof, for non-payment, and entering into arrangements and contracts with said Town or Municipalities, the declaration and payment of dividends out of the profits of said Company, the form and issue of stock certificates and the transfer of shares, the calling of general and other meetings of the Company, the appointment, removal and remuneration of all officials, agents, clerks, workmen and servants of the Company, the fares to be received from persons, and freight transported over said Railway or any part thereof, and in general, to do all things that may be necessary to carry out the objects and the exercise of such powers incident to the Company: Provided that the fare shall not exceed for each passenger, five cents for carriage for any distance not more than three miles, within the limits of the Town

Limit of fares;

of St. Thomas, and one cent additional per mile over three miles—the return ride to be charged for separately.

9. The stock of the said Company shall be deemed personal estate, and shall be transferable in such way as the Directors by By-law direct. Stock to be personality.

10. The Company may purchase lease, hold or acquire and transfer any real or personal estate necessary for carrying on the operations of the said Company. Real estate.

11. The Company may substitute sleighs for Railway Carriages during the winter months upon the road of their Railways. Sleighs may be used.

12. The above mentioned rate of fare shall be due and payable by every passenger on entering the car or sleigh, and any person refusing to pay the fare when demanded by the conductor or driver, and refusing to quit the car or sleigh, shall be liable to a fine of not less than one, nor more than twenty dollars, recoverable upon conviction before any Justice of the Peace, having Jurisdiction, and upon default of payment of said fine and costs forthwith to imprisonment in the Common Gaol for a period of not more than thirty days. Fares.

13. The Rails of the said Company shall be laid so as to cause the least inconvenience possible to general traffic consistent with the proper working of said Company and flush as near as practicable with the street, which shall be kept in proper repair between and for eighteen inches on each side of said rails, by, and at the expense of said Company, whose vehicles shall have the right of way on the track. Rails

14. The Directors may, from to time, increase the capital stock of said Company for such amount or amounts as occasion may require, and also raise or borrow for the purpose of the Company, any sum or sums not exceeding in the whole at any time the actual amount of the capital stock *bona fide* subscribed and paid up by the issue of bonds or debentures in such sums of not less than one hundred dollars on such terms and credit as they may think proper, and may thereby pledge or mortgage all the property, tolls and income of the Company or any part thereof as may be expressed upon the face of any bond or debenture for the repayment of the moneys so raised or borrowed, and the interest thereon: Provided always, that the consent of two-thirds in value of the stock-holders of the Company present or represented by proxy at a special meeting to be called and held for either or both of the purposes aforesaid, shall be first had and obtained: Provided always, that the notice of the holding of such meeting shall be given in some newspaper published in the Town of St. Thomas at least, two weeks previous to the holding of such meeting. Capital may be increased and power to borrow.

15. No stock-holder shall be personally liable for the promises, contracts, debts, undertakings, costs or liabilities of said Company beyond the amount remaining unpaid upon stock held by him, and to that extent only after the other assets, if any, of the said Company shall be realized upon. Liability of Stockholders.

Powers to the town and adjoining Municipalities.

**16.** The Council of the said Town and of any of the said adjoining Municipalities, or any of them, and the said Company are hereby respectively authorized to make, and enter into any agreements or covenants relating to the construction of the said Railway for the paving, macadamizing, repairing and grading of the streets and highways, and the construction, opening of, and repairing of drains and sewers, and the laying of gas and water-pipes in said streets and highways, the location of the Railway and the particular streets along which the same shall be laid, the number of tracks, the time within which the road shall be commenced and the time of completion, and the non-obstructing or impeding of the ordinary traffic: Provided that the powers contained in this Act shall remain in abeyance until the agreements hereinbefore in this clause mentioned shall have been entered into and made, by and between the several parties hereinbefore mentioned.

By-laws.

**17.** The said Town and the said Municipalities are hereby authorized to pass any By-law or By-laws, and to amend, repeal or enact the same for the purpose of carrying into effect any such agreement or covenants and containing all such necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, including the Company, and for enjoining obedience thereto, and also for the facilitating the running of the Company's cars and sleighs, and for regulating the traffic and conduct of all parties travelling upon the streets and highways through which the said Railway may pass.

Certain clause of the Railway Act to apply.

**18.** The several clauses of chapter sixty-six of the Consolidated Statutes of Canada and the Amendments thereto with respect to "interpretation," "incorporation," "powers," "plans" and "surveys," "lands and their valuation," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "shareholders," "municipalities," "actions for indemnity, and fines, penalties and their prosecution," (except sub-section eleven of section nine and sections eighty-four, eighty-five and ninety) shall insofar only as they are not inconsistent with, or repugnant to any of the provisions of this Act, be incorporated with, and be deemed to be a part of this Act, and shall apply to the said Company and to the Railway to be constructed by them.





BILL.

An Act to incorporate the St. Thomas Street  
Railway Company.

First Reading,	1878.
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(PRIVATE BILL.)

Mr. WILSON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the St. Thomas Street  
Railway Company.

WHEREAS certain persons have by their petition prayed Preamble.  
that they may be incorporated under the title of "The  
St. Thomas Street Railway Company," for the purpose of con-  
structing and operating Street Railways in the Town of St.  
5 Thomas and the adjoining Municipalities, and whereas it is ex-  
pedient to grant the prayer of the petitioners:

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

10 1. Colin Munro, M. H. Taylor, Duncan McLarty, Elijah Incorporation  
and corporate  
name.  
Moore and W. F. Ellis, all of the Town of St. Thomas, Esquires,  
and such other persons as shall hereafter become shareholders  
of the said Company, are hereby constituted a body corporate  
and politic under the name of the St. Thomas Street Railway  
15 Company.

2. The Capital Stock of the Company shall be twenty Capital.  
thousand dollars in four hundred shares of fifty dollars each.

3. The Company may begin to exercise the powers hereby Commence-  
ment of opera-  
tions.  
granted as soon as five thousand dollars of the Capital shall be  
20 subscribed and ten per centum thereon paid up, but the Com-  
pany shall commence the construction of the said Railway  
within one year from the passing of this Act, and shall com-  
mence to run cars upon the said Railway and work and operate  
said Railway in good running order within three years from  
25 the passing of this Act, otherwise this Act to be void and of  
none effect.

4. Colin Munro, M. H. Taylor, Duncan McLarty, Elijah Provisional  
directors.  
Moore and W. F. Ellis shall be Provisional Directors of the said  
Company to obtain subscriptions for stock and organize said  
30 Company, and shall hold office until the Election of Directors  
as hereinafter provided for.

5. As soon as five thousand dollars of the capital stock has Board of direc-  
tors.  
been subscribed and ten percentum thereon paid up, the share-  
35 holders shall proceed to the election of a Board of Directors for  
the said Company, and the provisional Directors, or a majority  
of them shall call a meeting of the shareholders for that pur-  
pose, first giving two weeks notice thereof by advertisement  
in some newspaper published in the Town of St. Thomas.

Constitution  
of board.

6. The Board of Directors shall consist of five directors to be determined at the meeting to be held as provided for in the preceding Section, each of whom shall be a shareholder of not less than two hundred dollars; such election and every question voted on at such meeting shall be decided by ballot by a majority of the votes of the stockholders (who shall have paid all calls made upon the stock held by them) present in person or represented by written proxy; each share to have one vote, the Directors so chosen shall immediately elect one of their own number to be President, which President and Directors shall continue in office for one year, and until others shall be chosen to fill their places as may be provided by the By-laws of the said Company; and if any vacancy shall at any time happen by death, resignation or otherwise during said year in the office of President or Directors, the remaining Directors shall supply such vacancy for the remainder of the year; and the election of Directors shall take place annually, either on the anniversary of the day of the first election of Directors, or such other day as may be fixed by the by-laws as hereinafter mentioned.

Powers of  
Company.

7. The Company are hereby authorized and empowered to contract, complete, maintain and operate a double or single iron track Railway with the necessary side-tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same upon and along such streets and highways within the jurisdiction of the Corporation of the Town of St. Thomas, and of any of the adjoining Municipalities as the Company may be authorized to pass along, under, and subject to any agreement hereafter to be made between the said Councils of the said Town and of the said Municipalities respectively, and the said Company, and under and subject to any By-laws of the said corporation of the said Town and Municipalities respectively or any of them made in pursuance thereof, and to take, transfer and carry passengers and freight upon the same by the force or power of animals or such other motive power as may be authorized by the Council of the said Town and Municipalities respectively by By-law to use, and to construct, and to maintain all necessary works, buildings, appliances and conveniences connected therewith.

Powers of di-  
rectors.

8. The Directors shall have full power to make all By-laws and regulations for the management of the Company, the acquirement, management and disposition of its stock, property and effects, and of its affairs and business, the management, collection of cash on its stock and forfeiture thereof, for non-payment, and entering into arrangements and contracts with said Town or Municipalities, the declaration and payment of dividends out of the profits of said Company, the form and issue of stock certificates and the transfer of shares, the calling of general and other meetings of the Company, the appointment, removal and remuneration of all officials, agents, clerks, workmen and servants of the Company, the fares to be received from persons, and freight transported over said Railway or any part thereof, and in general, to do all things that may be necessary to carry out the objects and the exercise of such powers incident to the Company: Provided that the fare shall not exceed for each passenger, five cents for carriage for any distance not more than three miles, within the limits of the Town

Limit of fares.

of St. Thomas, and one cent additional per mile over three miles—the return ride to be charged for separately.

**9.** The stock of the said Company shall be deemed personal estate, and shall be transferable in such way as the Directors Stock to be personality.  
5 by By-law direct.

**10.** The Company may purchase lease, hold or acquire and transfer any real or personal estate necessary for carrying on the operations of the said Company. Real estate.

**11.** The Company may substitute sleighs for Railway Carriages during the winter months upon the road of their Rail- Sleighs may be used  
10 way.

**12.** The above mentioned rate of fare shall be due and payable by every passenger on entering the car or sleigh, and any person refusing to pay the fare when demanded by the conductor or driver, and refusing to quit the car or sleigh, shall be Fares.  
15 liable to a fine of not less than one, nor more than twenty dollars, recoverable upon conviction before any Justice of the Peace, having Jurisdiction, and upon default of payment of said fine and costs forthwith to imprisonment in the Common Gaol for a period of not more than thirty days.

**13.** The Rails of the said Company shall be laid so as to cause the least inconvenience possible to general traffic consistent with the proper working of said Company and flush as near as practicable with the street, which shall be kept in proper repair between and for eighteen inches on each side of said rails, by, and at the expense of said Company, whose vehicles shall have the right of way on the track. R ils

**14.** The Directors may, from to time, increase the capital stock of said Company for such amount or amounts as occasion may require, and also raise or borrow for the purpose of the Company, any sum or sums not exceeding in the whole at any time the actual amount of the capital stock *bona fide* subscribed and paid up by the issue of bonds or debentures in such sums of not less than one hundred dollars on such terms and credit as they may think proper, and may thereby pledge or mortgage all the property, tolls and income of the Company or any part thereof as may be expressed upon the face of any bond or debenture for the repayment of the moneys so raised or borrowed, and the interest thereon: Provided always, that the consent of two-thirds in value of the stock-holders of the Company present or represented by proxy at a special meeting to be called and held for either or both of the purposes aforesaid, shall be first had and obtained: Provided always, that the notice of the holding of such meeting shall be given in some newspaper published in the Town of St. Thomas at least, Capital may be increased and power to borrow.  
30  
35  
40  
45 two weeks previous to the holding of such meeting.

**15.** No stock-holder shall be personally liable for the promises, contracts, debts, undertakings, costs or liabilities of said Company beyond the amount remaining unpaid upon stock held by him, and to that extent only after the other assets, if Liability of Stockholders.  
50 any, of the said Company shall be realized upon



Powers to the town and adjoining Municipalities.

**16.** The Council of the said Town and of any of the said adjoining Municipalities, or any of them, and the said Company are hereby respectively authorized to make, and enter into any agreements or covenants relating to the construction of the said Railway for the paving, macadamizing, repairing and grading of the streets and highways, and the construction, opening of, and repairing of drains and sewers, and the laying of gas and water-pipes in said streets and highways, the location of the Railway and the particular streets along which the same shall be laid, *the patterns of rails, the time and speed of running the cars*, the number of tracks, the time within which the road shall be commenced and the time of completion, and the non-obstructing or impeding of the ordinary traffic: Provided that the powers contained in this Act shall remain in abeyance until the agreements hereinbefore in this clause mentioned shall have been entered into and made, by and between the several parties hereinbefore mentioned.

By-laws.

**17.** The said Town and the said Municipalities are hereby authorized to pass any By-law or By-laws, and to amend, repeal or re-enact the same for the purpose of carrying into effect any such agreement or covenants and containing all such necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, including the Company, and for enjoining obedience thereto, and also for the facilitating the running of the Company's cars and sleighs, and for regulating the traffic and conduct of all parties travelling upon the streets and highways through which the said Railway may pass.

Certain clause of the Railway Act to apply.

**18.** *The several clauses of the Railway Act of Ontario, with respect to the first and third clauses thereof, and also the several clauses of the said Act, with respect to "interpretation," "incorporation," "general meetings," "calls," "shares and their transfer," "shareholders," "actions for indemnity, and fines and penalties, and their prosecution," (but no other clauses of the Railway Act), shall in so far only as the same are not inconsistent with or repugnant to, any of the provisions of this Act, be incorporated with this Act; and the expression "this Act" when used herein shall be held and understood to include the clauses incorporated with this Act, save and except in so far as they are inconsistent with or varied by any of the provisions of this Act.*



Third Session, Third Parliament, 41 Vic. 1878

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BILL.

An Act to incorporate the St. Thomas Street  
Railway Company.

*(Reprinted as Amended.)*

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First Reading, 23rd January, 1878.

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*(PRIVATE BILL.)*

MR. WILSON.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO.

## An Act to incorporate Ontario Ladies' College.

WHEREAS, an institution of learning under the name and style of Ontario Ladies' College, was, in the year of our Lord one thousand eight hundred and seventy-four, established in the Town of Whitby, under the provisions of the Joint Stock Companies' Act; and whereas, the provisions of said Act have proved insufficient for meeting the requirements of said college; and whereas, a special act of incorporation would greatly aid and further the interests of said college;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

I. James Holden, W. D. Matthews, A. Ross, J. Rice, J. L. Smith, J. Richardson, G. Y. Smith, LL.B., Thomas McClung, Rev. D. C. McDonell, Rev. G. H. Dewart, Rev. J. G. Sanderson, 15 M.A., Rev. J. G. Betts, Rev. George Leech, Rev. R. H. Smith, James Gooderham, R. Wilkes, J. Patterson, H. B. Taylor, B.A., Rev. W. Laird, Richard Hatch, Rev. Calvin Shaw, and such others as are now or shall, under the authority of the Act, be associated with them and their several and respective heirs, 20 executors, successors, and assigns, and all such other person or persons as shall at any time be possessed of any share or shares in the said college, shall be a body corporate and politic under the name and style of "Ontario Ladies' College," and by the said name they and their successors may and shall have continued succession and a common seal, with power to change, 25 alter, break or renew the same, and shall have full power to frame and carry on the said institution of learning, also to make and establish such and so many rules, orders and regulations (not being contrary to this Act or the laws in force in this Province), and change or alter the same as they shall deem useful 30 or necessary; and the said corporation may under the same name contract and be contracted with, sue and be sued, implead and be impleaded, prosecute and be prosecuted in all courts and places whatsoever, and shall have power to take under any 35 legal title whatsoever, and to hold for the said college without any further authority or license, all lands, gifts or endowments which may hereafter be sold, given, bequeathed or granted to the said corporation; and it shall be lawful for any person, corporation or municipality, to make any such gifts or grants to 40 aid the general objects of the said college: Provided also, that the said college may acquire any other real estate or any interest therein by way of security for debts contracted, or as a bequest, if made at least six months before the death of the party making the same; and the college may hold such estate for a 45 period of not more than seven years, when all such real estate



shall be disposed of, except such as may be necessary for the carrying out of the objects of the institution.

- Capital Stock.** 2. The capital stock of the said corporation shall be Sixty Thousand Dollars, in six hundred shares of one hundred dollars each, which capital stock may hereafter be increased, should the said corporation so desire, to One Hundred Thousand Dollars, in one thousand shares of one hundred dollars each: Instalments on such capital stock shall be paid by the shareholders at such times and in such amounts as the directors may determine, after notice of one month has been given in a public newspaper in the Town of Whitby, and also by circular letters mailed to every shareholder. 5
- Neglect of payment:** 3. If after such due notice has been given, any shareholder shall neglect or refuse to pay the instalment required, the said corporation may sue for and recover the same with costs; and if any call made upon any share or shares be not paid within such time as the by-law of said corporation shall require, the directors may summarily forfeit any such share or shares whenever such payment has not been made, and the same shall thereupon become the property of the corporation, and may be disposed of as they shall determine. 15
- Forfeiture:** 20
- Directors.** 4. All affairs of the said corporation shall be managed by a board of twenty-one directors, consisting in the first instance of the persons named in the first section of this Act, who shall serve as such until the first day of July, one thousand eight hundred and seventy-eight, or until their successors shall have been appointed under the provisions of this Act; and the said board shall elect by ballot from among themselves, a Chairman, Secretary, and Treasurer, who shall hold office during the year, or until their successors are appointed. 30
- Powers of** 5. The directors shall organize and carry on the institution of learning for which the corporation is authorized; they shall determine the course or courses of study to be pursued, the honours, certificates, diplomas or degrees to be conferred; they shall make and enforce all calls upon the shareholders; they shall nominate the Governor, appoint the Principal, Teachers, and other officers or servants, fix their salaries, and remove them at their pleasure; they shall make all rules for the general management of the said institution; they shall make contracts and payments for the execution of the purposes of the corporation; they shall make by-laws for the regulation of the affairs of the institution, and vary or repeal the same, but all such powers shall be exercised in accordance with the provisions of the Act, and subject to the control of any general meeting of the shareholders, but not so as to render invalid any act done by the directors prior to any resolution passed by such general meeting. 40
- General Meeting.** 6. A general meeting of the shareholders shall be held in the Town of Whitby once in each year, and shall be called the Annual Meeting, and the shareholders present at such meetings either in person or by proxy, shall elect by ballot fourteen shareholders to serve as directors for the ensuing year, eight of whom shall be members of the Methodist Church. 50

7. Each shareholder may cast one vote for every share held by him, or may authorize any other shareholder to vote for him, such authority to be given in writing and recorded by the Secretary. Votes:

5 8. Seven of the before-mentioned twenty-one directors shall be appointed by the General Conference of the Methodist Church, and shall hold office for four years, or until their successors are appointed, and one of these seven, he being a Minister in full connexion with said Methodist Church, and by the permission or appointment of an Annual Conference of said Methodist Church, shall be the Governor of the said college, having been nominated thereto by the board of directors; and said Governor, under the board of directors, shall have the general oversight and complete control of the institution and pre-  
 10 mises, and of all persons connected therewith,  
 15

9. The shareholders in the said corporation shall not, as such, be held responsible for any act, default, or liability whatsoever of the said corporation, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the corporation, beyond the amount of their respective shares in the capital stock thereof. Liability of shareholders:

BILL,

An Act to Incorporate Ontario Ladies'  
College.

First Reading,	1878.
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(*PRIVATE BILL.*)

Mr. BROWN.

TORONTO:


PRINTED BY HUNTER, ROSE & Co.

## An Act to incorporate The Ontario Ladies' College.



**W**HEREAS, an institution of learning under the name and style of *The Ontario Ladies' College*, was, in the year of our Lord one thousand eight hundred and seventy-four, established in the Town of Whitby, under the provisions of the Joint Stock Companies' Act; and whereas, the provisions of said Act have proved insufficient for meeting the requirements of said college; and whereas, a special act of incorporation would greatly aid and further the interests of said college; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. James Holden, W. D. Matthews, A. Ross, J. Rice, J. L. Smith, J. Richardson, G. Y. Smith, LL.B., Thomas McClung, Rev. D. C. McDonell, Rev. G. H. Dewart, Rev. J. G. Sanderson, 15 M.A., Rev. J. G. Betts, Rev. George Leech, Rev. R. H. Smith, James Gooderham, R. Wilkes, J. Patterson, H. B. Taylor, B.A., Rev. W. Laird, Richard Hatch, Rev. Calvin Shaw, and such others as are now or shall, under the authority of *this Act*, be associated with them, shall be a body corporate and politic under the name and style of "*The Ontario Ladies' College*," and shall have full power to carry on the said institution of learning, also to make and establish such and so many rules, orders and regulations (not being contrary to this Act or the laws in force in this Province), and change or alter the same as they shall deem useful or necessary; and by the same name and title shall be able and capable in law to receive, purchase, and hold by any legal title whatsoever, all such lands, tenements, possessions, and property, real and personal, as may be necessary for the use and occupation of the said college; and to receive and to hold for the benefit of said college, any gifts or donations, special or general, and any legacies, devises, or bequests of property, real or personal, on any trusts that may accrue, directly or indirectly, to the benefit of said college; also to sell, alienate, and transfer any property, real or personal, so purchased, given, bequeathed, or obtained by any legal title or process whatsoever, and to apply the proceeds of all such sales and transfers, directly or indirectly at discretion, to the benefit of said college; provided always, and it is enacted that the said corporation shall at no time acquire or hold as purchasers, any lands or tenements or interests therein, exceeding in the whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, for the purposes of the said corporation; and that no such gift, devise, or bequest of lands or tenements, or interests therein, shall be valid, unless such gift, devise, or bequest is made at least six



months before the death of the person making the same ; and the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements, or interests therein, so to be taken or held by gift, devise, or bequest, shall at any one time in the whole exceed 5 the annual value of one thousand dollars ; and no lands or tenements, or interests therein, acquired by gift, devise, or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition thereof ; and within such period they shall respectively be absolutely disposed of by the 10 said corporation, so that it no longer retain any interest therein ; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation ; and such lands, tenements, or interests therein, or such thereof 15 which may not within the said period have been so disposed of, shall revert to the person from whom the same were acquired, his heirs, executors, administrators or assigns. 

**Capital Stock.**

2. The capital stock of the said corporation shall be *seventy-five* thousand dollars, in *seven hundred and fifty* shares of one 20 hundred dollars each, which capital stock may hereafter be increased, *as hereinafter mentioned* : Instalments on such capital stock shall be paid by the shareholders at such times and in such amounts as the directors may determine, after notice of one month has been given in a public newspaper in the Town of 25 Whitby, and also by circular letters mailed to every shareholder ;  provided always that the directors of said corporation, if they see fit at any time after the whole capital aforesaid shall have been subscribed for, and fifty per centum thereof paid in, but not sooner, may make a by-law for increasing the 30 capital stock of the company to any amount which they may consider requisite, but not exceeding one hundred thousand dollars, in order to the due carrying out of the objects of the company, and such by-law shall declare the number and value of the shares of the new stock, and may prescribe the manner 35 in which the same shall be allotted, and in default of its so doing, the control of such allotment shall be held to vest absolutely in the directors, but no by-law for increasing or decreasing the capital stock of the corporation or sub-dividing the shares, shall have any force or effect whatever, until after it shall have 40 been sanctioned by a vote of not less than two-thirds in value of the shareholders present or represented by proxy, at an annual meeting or a special meeting of shareholders called for that purpose. 

**Neglect of payment:**

3. If after such due notice has been given, any shareholder 45 shall neglect or refuse to pay the instalment required, the said corporation may sue for and recover the same with costs ; and if any call made upon any share or shares be not paid within such time as the by-law of said corporation shall require, the 50 directors may summarily forfeit any such share or shares when- ever such payment has not been made, and the same shall thereupon become the property of the corporation, and may be disposed of as they shall determine.

**Forfeiture:**

**Directors.**

4. All affairs of the said corporation shall be managed by a board of twenty-one directors, consisting in the first instance 55

of the persons named in the first section of this Act, who shall serve as such until the first *Tuesday in September*, one thousand eight hundred and seventy-eight, or until their successors shall have been appointed under the provisions of this Act; and the  
 5 said board shall elect by ballot from among themselves, a *President and Vice-President* who shall hold office during the year, or until their successors are appointed.

5. The directors shall organize and carry on the *said college* and shall determine the course or courses of study to  
 10 be pursued, *and* the honours, certificates, diplomas or degrees to be conferred; they shall make and enforce all calls upon the shareholders; they shall nominate the Governor, appoint the *Secretary Treasurer*, Principal, Teachers, and other officers or servants, fix their salaries, and remove them at their pleasure;  
 15 they shall make all rules for the general management of the said institution; they shall make contracts and payments for the execution of the purposes of the corporation; they shall make by-laws for the regulation of the affairs of the institution, and vary or repeal the same, but all such powers shall be ex-  
 20 ercised in accordance with the provisions of the act, and subject to the control of any general meeting of the shareholders, but not so as to render invalid any act done by the directors prior to any resolution passed by such general meeting.


Powers of directors.

6. A general meeting of the shareholders shall be held in the  
 25 Town of Whitby once in each year, and shall be called the Annual Meeting, and the shareholders present at such meetings' either in person or by proxy, shall elect by ballot fourteen shareholders to serve as *fourteen of the said board of twenty-one* directors for the ensuing year, eight of whom shall be members  
 30 of the Methodist Church of Canada, and each one of whom shall own stock absolutely in his own right, and shall not be in arrear in respect of any call thereon.

General Meetings.

7. Each shareholder may cast one vote for every share held  
 by him, or may authorize any other shareholder to vote for him,  
 35 such authority to be given in writing and recorded by the Secretary.

Votes.

8. ~~Seven~~ Seven of the before-mentioned twenty-one directors shall be ministers of the Methodist Church of Canada, and appointed by the General Conference of said church, and shall hold office  
 40 for one year, or until their successors are appointed, but shall be eligible for re-election: provided always that the governor as the person having the moral and religious control in the said institution, shall be a minister of the said Methodist Church, nominated by the said directors, but ratified by the said General  
 45 Conference, or by the Annual Conference; but if said General or Annual Conference shall not confirm such nomination at its first session thereafter, then the said directors shall be authorised to appoint any person, being a member of the said church, to that office until the next session of the said conference. 


Directors appointed by the General Conference.

9. The shareholders in the said corporation shall not, as such,  
 50 be held responsible for any act, default, or liability whatsoever of the said corporation, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating


Liability of shareholders.

to or connected with the corporation, beyond the *unpaid* amount of their respective shares in the capital stock thereof.



Certain sections of the R. S., c. 150, to apply.

**10.**  The several provisions of sections fifteen, sub-sections two, three, and four of section seventeen, sub-sections two, four, and five of section twenty-five, sections twenty-six, twenty-eight, 5 twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-five, thirty-six, thirty-eight, forty, forty-one, forty-four, fifty, fifty-one, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, sixty, and sixty-one of the Ontario Joint Stock Companies' Letters Patent Act, shall be incorporated with, and 10 be read as part of this act, so far as the same can be made applicable thereto, and are not inconsistent with the provisions of this act.

Property of Ontario Ladies' College vested in present corporation.

**11.**  All the property, right, privileges, and effects of the said "The Ontario Ladies' College" as heretofore constituted, 15 are hereby vested in the said corporation hereby constituted, and the said corporation shall henceforth be subject to all the contracts, engagements, debts, and liabilities of the said "The Ontario Ladies' College" as heretofore constituted; provided 20 always, that nothing herein contained shall be construed to make the said corporation a new corporation, or to make void or to impair the effect or validity of any by-law, proceeding, deed, instrument, or writing heretofore made, executed, or entered into by or with the said "The Ontario Ladies' College," but 25 such by-law, proceeding, deed, instrument, or writing, shall and may hereafter be continued, construed, and have effect as if this act had not been passed.

Returns to the Lieutenant-Governor and Legislative Assembly.

**12.**  The said corporation shall, at all times when required by the Lieutenant-Governor or by the Legislative Assembly, make 30 a full return of all its property, real and personal, and of its liabilities, receipts, and expenditures to the Lieutenant-Governor or Legislative Assembly, as the case may be, for such period and with such details and other information as the Lieutenant-Governor or Legislative Assembly may require in that 35 behalf. 





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Third Session, Third Parliament, 41 Vic., 1878.

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BILL,

An Act to Incorporate The Ontario Ladies' College.

*(Reprinted as Amended.)*

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First Reading, 29th January, 1878.

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*(PRIVATE BILL.)*

MR. BROWN.

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TORONTO :

PRINTED BY HUNTER, ROSE & CO.

## An Act respecting the Hamilton Girls' Home.

WHEREAS the Corporation of the Children's Industrial Preamble.

School of the City of Hamilton have by their petition prayed for certain amendments to their Act of incorporation, passed by the Legislature of the late Province of Canada in the twenty-seventh and twenty-eighth years of the reign of Her Majesty Queen Victoria, chaptered one hundred and forty-five, and also that the name of the said Corporation may be changed to the Girls' Home of the City of Hamilton, and whereas it is expedient to grant their prayer ;

10 Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The Corporate name of said Children's Industrial School of the City of Hamilton is hereby changed to the "Girls' Home of the City of Hamilton," and the said Corporation shall be hereafter known and called the "Girls' Home of the City of Hamilton;" and all the real and personal estate, property, assets and effects, and all present and future grants, devises, legacies, or bequests, and all titles, securities and instruments, and all rights, claims and liabilities in favour of or against the said "Children's Industrial School of the City of Hamilton," shall vest in and shall enure to or against the said "Girls' Home of the City of Hamilton," as fully and effectually to all intents and purposes as they now are vested in or enure to or against or might enure to the said "Children's Industrial School of the City of Hamilton," under the said Act of Corporation, passed by the Legislature of the late Province of Canada, in twenty-seventh and twenty-eighth years of the reign of Her Majesty, and chaptered one hundred and forty-five.

Name of  
Children's  
Industrial  
School  
changed to  
Girls' Home.

30 2. The directresses, office-bearers and managers of the said corporation, shall at each annual meeting, prepare and lay before such annual meeting, a list of all subscribers to the said institution as defined in the said Act of Incorporation, and the persons named in such list shall be held to be subscribers to the said institution, and entitled to vote at the annual meetings of the said corporation. Provided that in case of the failure of the said directresses, office-bearers and managers to prepare such list for any annual meeting, the last list of subscribers prepared and laid before an annual meeting shall remain in force, and be held to be the list of subscribers for such annual meeting.

List of sub-  
scribers at  
annual meet-  
ing.

40 3. The said corporation shall have power from time to time, and so often as they shall deem expedient to mortgage the real and chattel property of the said corporation.

Power to  
mortgage.

Filing articles  
of apprenticeships.

4. The time for filing a copy of the articles of indenture of apprenticeship with the clerk of the Corporation of the City of Hamilton, provided for by section three of the said Act, is hereby extended from six days to one month, and the clerk of the said Corporation of Hamilton shall endorse on each copy of such articles of Indenture of apprenticeship so filed with him a certificate of the date of such filing. 5

Adoption of  
children.

5. Any person or persons desirous of adopting as a member of his, her or their family any child or children having the protection of the said institution, may, by articles of agreement, executed by the said corporation, and such person or persons, adopt such child or children, and on the execution of such articles, such person or persons may exercise over and with respect to such child or children so adopted, such powers as her or their parents or guardians would have or might exercise, and such articles of agreement shall be held to be within the powers conferred by section three of the said Act of incorporation, and the person or persons so adopting such child or children shall be subject of the liabilities and conditions set forth in section three. 20

Children  
adopted.

6. Every child so adopted under the preceding section of this Act shall be held to be a member of the family of the person or persons adopting such child under the provisions of the Revised Statute respecting Public Schools.

Income.

7. The words "two thousand" in the first clause of the said Act are hereby repealed, and the words "five thousand" substituted therefor, and the said words shall be read and taken as forming a part of said section. 25

Secretary.

8. A corresponding secretary is hereby added to the number of office-bearers of the said corporation. 30

## BILL.

An Act respecting the Hamilton City Home.

First Reading 1878.

(PRIVATE BILL.)

Mr WILLIAMS.

TORONTO:

PRINTED BY HUNTER ROSE & Co.

## An Act to Incorporate the Town of Wingham.

**W**HEREAS the inhabitants of the Incorporated Village of Preamble.

Wingham, in the County of Huron, and of the adjacent territory included within the boundaries hereinafter mentioned, have by their petition, represented that the said village and the  
5 said adjacent territory has a population of two thousand and twenty souls, and in compliance with a resolution passed in the Council of the Corporation of the said Village of Wingham, it is desirable that the said village, and the said adjacent territory be incorporated as a town and, whereas, it is expedient to grant  
10 the prayer of the said petition :

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :

**1.** The Incorporated Village of Wingham, in the County of Incorporation  
15 Huron, together with lots three, four and five in the first concession of the Township of Turnberry in the said County of Huron shall and after the       day of       in the year of our Lord one thousand eight hundred and seventy-eight, be, and the same is hereby incorporated as a town, and shall there-  
20 after be known as the Corporation of the town of Wingham, and have all the rights, powers and privileges enjoyed and exercised by incorporate towns in the Province of Ontario under the existing municipal laws or otherwise of the said Province.

**2.** All by laws, rules and regulations which may be in force By-laws.  
25 in the Village of Wingham at the time of its becoming incorporated as a town under this Act shall continue and be in force as if they had been passed by the Corporation of the Town of Wingham, and shall extend to and have full effect within the limits of the town hereby incorporated until otherwise ordered  
30 by the Council of the Corporation of the said Town of Wingham.

**3.** The Council of the Corporation of the Village of Wingham shall continue to exercise all the powers and functions ap- Village Council continued.  
pertaining to the Corporation of the Town of Wingham from  
35 and after the date of incorporation as aforesaid until such time as the members of the Corporation of the Town of Wingham shall be elected under the provisions of this Act.

**4.** The said Town of Wingham is divided into four wards in Wards.  
manner described in the Schedule to this Act to be named as  
40 follows : Ward number one, ward number two, ward number three, and ward number four.



First election.

5. After the passing of this Act it shall be lawful for the clerk of the said Town of Wingham, or such other person, in case of his death, absence or disability for any cause as may be named by the electors as hereinafter provided, who is hereby appointed the returning officer to hold the nomination for the first election of mayor, reeve, and councillors at the Town Hall, in the said Town of Wingham at the hour of noon, on a day to be appointed by him for holding the said nominations, within two months of the date of the passing of this Act, of which he shall give at least one week's notice, in a newspaper published in or nearest to said town; and by a like notice in writing posted up in at least two conspicuous places in each of the wards of the said town, and the said clerk of the said Town of Wingham shall preside at the said nomination, or in case of his absence or disability, the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer; and the polling for the said election, in case a poll be demanded, shall be held on the same day of the next week after such nomination; and the returning officer or chairman shall at the close of the nomination publicly announce the result of such nomination and election, in case no such poll is demanded, and in case of such demand for a poll, shall then announce the hours of polling and the place in each ward at which the polling shall take place.

Poll.

6. The said returning officer shall, in case such poll be demanded, by his warrant appoint one deputy-returning officer for each of the wards into which the said town is divided; and such returning officer and each of such deputy-returning officers shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the Municipal Laws of Ontario applicable to returning officers at elections in towns, in so far as the same do not conflict with this Act; and the said returning officer shall have all the powers and perform the several duties devolving on town clerks with respect to municipal elections in towns.

Portions of  
Turnberry in-  
cluded.

7. From and after the day of one thousand eight hundred and seventy eight, the portions of the Township of Turnberry included in the said Town of Wingham, shall to all intents and purposes cease to form part of and be detached from the said township, and shall be and are hereby incorporated for all purposes with said Town of Wingham.

Rates of  
Wingham and  
Turnberry.

8. The Council of the said Town of Wingham shall be entitled to recover from the said Township of Turnberry such share of all moneys on hand, due, owing, and of right collectable by and belonging to the said township, at and prior to the said time of incorporation if entitled thereto, as shall bear such proportion to the whole as the amount of the assessed property within the limits of the said town as shown by the collector's roll of the year one thousand eight hundred and seventy-seven, bears to the whole amount of the assessed property of the said Township of Turnberry each to each, and the said town shall be liable to pay to the said township a share of the same proportion of all debts and liabilities existing against the said township at the time this Act shall come into force, as the same become due, and which are fairly and equitably chargeable

against the said town, and in case of dispute, the share to be borne by each respectively, shall be ascertained and settled under the provisions of the Municipal Laws of Ontario.

9. The clerk of the said Township of Turnberry and any  
 5 other officer thereof, shall upon demand made upon him by the said returning officers or any other officer of the said town, or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the last revised assessment-roll for the said township as may be  
 10 required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, or with the collector's roll, or other documents, statement, writing or deed, that may be required for that purpose; and the said returning officer shall furnish each of the said deputies with a true copy  
 15 of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

10. The council of the said town to be elected in manner  
 aforesaid, shall consist of a mayor, who shall be the head thereof,  
 20 a reeve and twelve councillors, three councillors being elected for each ward; and they shall be organised as a council on the same day of the week next following the week of polling, at the hour of two o'clock in the afternoon, or if there be no polling, on the same day of the week next following the week of  
 25 nomination, and at the hour aforesaid; and subsequent elections shall be held in the same manner as in towns incorporated under the provisions of the Municipal Laws of Ontario; and the said council and their successors in office shall have use, exercise and enjoy all the powers and privileges vested by the said municipal  
 30 laws in town councils, and shall be subjected to all the liabilities and duties imposed by the said municipal laws in such councils.

11. The several persons who shall be elected or appointed  
 under this Act shall take the declaration of office and qualification now required by the Municipal Laws of Ontario to be  
 35 taken by persons elected or appointed to like offices in towns.

12. At the first election of mayor, reeve and councillors, for  
 the said Town of Wingham, their qualification respectively, and that of the officers required to qualify, shall be the same as that required in towns by the Municipal Laws of Ontario, and the  
 40 qualification of mayor shall be the same as that required for that office by the Municipal Laws of Ontario.

13. The expenses incurred to obtain this Act, and of furnishing any documents, copies of papers, writings, deeds or any matters whatsoever required by the clerk or other officer of  
 45 the said town or otherwise shall be borne by the said town and paid by it to any party that may be entitled thereto.

14. The Council of the said Town of Wingham is hereby  
 authorised to prepare a plan of that portion of the said town now laid out into lots, and of which plans are registered, and to re-  
 45 number with figures or signs in a distinctive colour the lots consecutively over the whole territory of the town on which plans are now registered, in such manner as the said council may deem best, so that each lot in addition to the number by which the same is now known may also be known and dis-

tinguished hereafter by the new number. The numbers to be continuous and consecutive, from number one upwards to any number required over the whole territory of the town of which plans are now registered, and also on plans to be hereafter registered. It shall be the duty of proprietors of land of which no plan is registered, in the event of a plan being made, to number the lots consecutively on said plan or plans, from the last number on the said town plan or such other plan as may be the last registered plan, and so on as each plan is registered, so that the result shall be that every lot in the whole town shall be numbered in consecutive and continuous order. In case lots on plans now registered or hereafter to be registered are subdivided into smaller lots, it shall be the duty of the proprietors in every such case to distinguish the lots made by such subdivision by the letters of the alphabet or other distinctive sign or character, in addition to the number of the lot so subdivided, as for instance, lot 100 being subdivided into three lots, the said three lots shall be known as "100 A" "100 B" and "100 C." All deeds, wills, mortgages, conveyances, or instruments of whatever nature or description affecting real estate in the said town executed after the registration of the said town plan, or other plans, may describe the land or lot affected thereby, by the number designating the same on the said town plan, or other plans, notwithstanding such description may be different from the description in previous deeds, wills, mortgages, conveyances or instruments, as the case may be, by reason of the change of numbers pursuant to this Act, and in every such case, every such deed, will, mortgage, conveyance or instrument shall have full legal and equitable effect according to the purport thereof, and as if such description was as previously described, and the identity of lots where the new numbers are used shall be conclusive with the lots numbered as formerly and for which the new number is substituted to every intent and purposes and in all courts of law or equity, and in case the former number of a lot is used in any such deed, will, mortgage, conveyance or other instrument, then in every such case the said deed or other instrument as aforesaid, shall be registered on the said town plan, or other plan, under the number on such town plan or other plan and the identity of such lot shall be conclusive in all such cases, and shall have full legal and equitable effect on the lots so affected, according to the purport thereof in all courts of law and equity.

#### SCHEDULE.

##### *Wards of the Town of Wingham*

The said town shall be divided by Josephine Street and John Street, and the extension of said John Street, to the boundary line between farm lots five and six.

*Ward number one* shall comprise that portion of the town lying west of Josephine Street, and south of John Street.

*Ward number two* shall comprise that portion lying east of Josephine Street, and south of John Street, and the continuation thereof.

*Ward number three* shall comprise that portion lying west of Josephine Street and north of John Street.

*Ward number four* shall comprise that lying east of Josephine Street, and north of John Street and the continuation thereof.







BILL.

An Act to incorporate the Town of Wingham.

First Reading,	1878.
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(*PRIVATE BILL.*)

Mr. ROSS.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to Consolidate the Debenture Debt of the City of Ottawa.

WHEREAS the Corporation of the City of Ottawa have Preamble  
by their petition represented that it would be condu-  
cive to the welfare and interests of the said city, as well as  
greatly facilitate their financial arrangements to place the  
5 Debenture Debt of the City of Ottawa on a more satisfactory  
basis; and Whereas the Debt of the city on the thirty-first day  
of December, one thousand eight hundred and seventy-seven, as  
represented by Debentures outstanding and in course of nego-  
ciation, for purposes which have received the sanction of the  
10 rate payers, is two millions one hundred thousand three hun-  
dred and seventeen dollars and thirty-three cents, which said  
sum becomes due and is payable as follows :—

	1883.....	\$97,333 33
15	1888.....	97,333 33
	1819.....	35,000 00
	1893.....	681,333 34
	1895.....	301,733 33
	1896.....	130,000 00
20	1898.....	97,333 33
	1903.....	110,570 67
	1904.....	449,680 00
	1907.....	100,000 00
25		<hr/> \$2,100,317 33

and Whereas it is desirable to issue, sell, or dispose of De-  
bentures to the amount of two millions one hundred thousand  
three hundred and seventeen dollars and thirty-three cents, to  
enable them to redeem the aforesaid Debentures which are now  
30 outstanding or in course of negotiation; and Whereas it is also  
desirable that the Corporation should be empowered to establish  
a Sinking Fund upon the terms in this Act contained for the  
redemption of such new Debentures, and to apply the present  
Sinking Funds as hereinafter stated; and Whereas it is ex-  
35 pedit so to grant;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. The Corporation of the City of Ottawa, may from time to By-law for  
40 time pass a by-law or by-laws under the terms and conditions issue of  
hereinafter provided for authorizing the issue of Debentures of debentures.  
the said city to an amount not exceeding in the whole the sum  
of two millions one hundred thousand three hundred and seven-

teen dollars and thirty-three cents, for raising by way of loan upon the credit of such Debentures from any person or persons, body or bodies, politic or corporate, either in Canada, Great Britain, or the United States of America, or elsewhere, who may be willing to lend the same a sum of money not exceeding in the whole the sum of two millions one hundred thousand three hundred and seventeen dollars and thirty-three cents of lawful money of Canada, to redeem the Debentures in the preamble to this Act mentioned. 5

**2.** The Debentures to be issued shall be Debentures of the City of Ottawa, and such of the said Debentures as may be required to be issued from time to time in order to redeem Debentures falling due, may be issued in the year preceding the maturity of the said last mentioned Debentures; and the said Debentures shall be payable within twenty-one years from the day of the date of the respective issues thereof at any place in Canada, Great Britain, the United States of America or elsewhere, and may be expressed in sterling money of Great Britain, or currency of Canada, or the United states of America and such Debentures shall be in sums of not less than one hundred dollars Canadian Currency, or twenty pounds sterling. 10 15 20

**3.** The said Debentures shall be under the common seal of the said city, and signed by the Mayor, and countersigned by the Treasurer of the said city, and may be in the form "A" in the schedule to this Act, or as near thereto as the Corporation may find convenient according the places where and the money in which the same are made payable. 25

**4.** Coupons shall be attached to the said Debentures for the payment of the interest thereon, and such interest shall be payable half-yearly in each and every year, at the places and on the days mentioned therein, and the coupons attached thereto, and such Debentures may bear interest at such rates as the Municipal Council of the said city at the date of the issue thereof may decide upon. 30

**5.** The said Debentures, and any and all moneys arising therefrom, shall be applied by the said Corporation in the redemption of Debentures of the City of Ottawa, mentioned in the preamble to this Act, and in no other manner, and for no other purpose whatsoever. 35

**6.** For the payment of the interest on the said Debentures, there shall be annually raised, levied and collected by the said Corporation upon the whole of the then rateable or assessable property of the said city, a rate of so much in the dollar, as shall be required to discharge in each year the interest on all existing Debentures, issued under the authority of this Act, until the said Debentures shall have been fully paid and satisfied: Provided always, that if any of such Debentures shall be purchased and redeemed by the said Corporation before the maturity thereof out of moneys at the credit of the Sinking Fund Account created by this Act, then the interest thereon shall continue to be raised and dealt with as provided in the ninth section of this Act. 40 45 50

**7.** From and after the first day of January, one thousand eight hundred and seventy-eight until the first day of January,



one thousand nine hundred and twenty eight inclusive, it shall be incumbent on the said Corporation in addition to the interest to provide the yearly sum of eleven thousand seven hundred dollars until the Debentures issued under the authority of this Act are fully paid and satisfied as towards a General Sinking Fund for the purpose of paying the principal of the said Debentures, and to impose a sufficient rate or rates for that purpose, in addition to the other rate or rates from time to time imposed under this Act.

10 8. The said Corporation shall have power to carry the present Sinking Fund Accounts of the Debentures in the preamble to this Act mentioned, amounting in the aggregate to the sum of one hundred and thirty thousand dollars, to the credit of the New Sinking Fund Account established by this Act, for the redemption of the principal of the Debentures to be issued thereunder. Former Sinking Fund.

9. The said Corporation shall have power to invest any moneys standing at the credit of the Sinking Fund created under this Act, in the purchase and redemption of the Debentures issued under the authority of this Act, at any time previous to the maturity of the said Debentures, provided always, that in every such case the said Corporation shall continue to levy the interest on the Debentures so purchased and redeemed before the maturity until the time originally fixed for the maturity thereof; and the said Corporation at any time before the maturity of the existing Debentures of the said Corporation now outstanding, and in the preamble to this Act mentioned, shall have power to invest any moneys standing at the credit of the Sinking Fund Account created by this Act in the purchase and redemption of the said existing Debentures, and the said Corporation shall also apply, as far as possible, all moneys standing from time to time at the credit of the Sinking Fund, created under this Act in the payment and satisfaction at maturity of the said existing Debentures of the said Corporation, now outstanding and unmatured: provided always, that the said Corporation shall levy and collect in each year, after such purchase and redemption of the said Debentures in the preamble to this Act mentioned, whether the same may have been purchased and redeemed before or at the maturity thereof, a sum equal to the annual interest previously paid on the said existing Debentures so purchased and redeemed, until the time that renewal Debentures, authorized to be issued under this Act, would have matured had such renewal Debentures been issued for the purpose of paying the said existing Debentures so purchased with Sinking Fund moneys as aforesaid, and all interest moneys so raised under this section shall be immediately placed at the credit of the Sinking Fund Account, created under the authority of this Act, and no moneys of the Sinking Fund, created under this Act, shall be invested in securities other than the said Debentures hereinbefore mentioned, without the sanction of the Lieutenant-Governor in Council. Redemption of debentures

10. The said Sinking Fund Rate or annual sum of eleven thousand seven hundred dollars, and the said interest moneys required to be raised, levied and collected in the ninth section of this Act, shall be placed at the credit of the Sinking Fund Account, and the moneys hereby required to be levied, to pro- Disposal of sinking fund and interest.



vide for the annual interest on the Debentures issued under the authority of this Act and outstanding from time to time, shall be placed at the credit of a Special Interest Account by the Treasurer of the said city out of the first moneys paid to him in each year by the collector or collectors of taxes or by the taxpayers of the said city, after providing for the interest mentioned in the thirteenth section of this Act, and such Sinking Fund or Interest Account moneys shall on no account be used or applied by the said Corporation or Treasurer for any other purpose than those authorized by this Act.

Deficiency to be made good out of rates.

**11.** The Corporation shall be bound to make good in each year out of the General Revenue of the said city for such year, the difference, if any, that will arise in such year between the interest that shall accrue on invested Sinking Funds and the interest which should accrue on such funds at the rate of five per cent. per annum, at which the ultimate product of these funds has been calculated, less the excess of interest over such rate that will accrue in such year, and be placed at the credit of the said Sinking Fund or Debentures redeemed with Sinking Fund moneys under the ninth section of this Act and held on account of the said Sinking Fund.

Rates limited to one cent and a half.

**12.** Until the expiration of the special powers conferred by this Act, it shall not be lawful for the Council of the Municipal Corporation of the City of Ottawa, to assess and levy in any one year, on the whole rateable property within its jurisdiction, a higher rate in the aggregate than one and a half cents on the dollar on the actual value thereof, exclusive of the school rates, anything in the Municipal Institutions Act to the contrary notwithstanding.

Yearly levy of interest.

**13.** From and after the first day of January, one thousand eight hundred and seventy-eight, it shall only be necessary, under the by-laws of the said Corporation, or under the Special Acts of the Legislative Assembly of Ontario, under which the Debentures in the preamble to this Act mentioned were severally issued for the Corporation of the City of Ottawa, to assess and levy in each year such rate or rates thereunder, and for the Water Works Commissioners of the City of Ottawa to reserve yearly from the revenues derived from the Water Works of the said city, for the construction of which a portion of the said Debentures were issued, such sum or sums as shall be sufficient respectively to discharge the interest which shall accrue due in such year upon all such of the Debentures, in the preamble to this Act mentioned, as may still remain outstanding and unsatisfied.

Surplus revenues for Water Works.

**14.** Any surplus revenues derived from the supply of water by the Water Works of the said city, after providing for the interest on the Debentures issued to provide money for their construction, as in the thirteenth section provided, and for the expenses attendant upon the maintenance of the said works, to the amount of eleven thousand seven hundred dollars, the amount of the Sinking Fund which the said Corporation is required annually to assess and levy under this Act, or in case the said surplus should be less than the said sum of eleven thousand seven hundred dollars, then to the whole amount of such surplus shall be paid over, in the year in which such sur-

plus shall accrue, to the Treasurer of the said city, and become a part of the general revenue of the said city, unless the said Corporation shall neglect to provide in any year the said Sinking Fund Rate or sum of eleven thousand seven hundred dollars, authorized to be annually levied under this Act, in which case and as often as the same shall occur, the said sum of eleven thousand seven hundred dollars of the said surplus Water Works revenue, or such less sum as the said surplus may amount to, shall be applied towards and placed at the credit of the said Sinking Fund in the year in which such surplus shall accrue: provided always, that if there shall be in any year any surplus revenues, derived from the supply of water, as aforesaid, after making provisions for the payment of interest, costs of maintenance, and the said sum of eleven thousand seven hundred dollars in manner aforesaid, then all such surplus shall be immediately placed at the credit and become a part of the Sinking Fund, authorized to be created under this Act, until all of the Debentures issued thereunder shall have been fully paid and satisfied.

15. So soon as any of the Debentures in the preamble to this Act mentioned which are issued for Water Works purposes shall be purchased by the said Corporation before or at maturity under the ninth section of this Act, or shall be redeemed by renewal Debentures under this Act, or whenever such renewal Debentures shall be purchased before maturity under the said section, then the Water Works Commissioners of the said city, or the person or persons, body or bodies, corporate or politic, in which their powers may from time to time hereafter become vested, shall pay to the Treasurer of the said Corporation in each year, a sum equal to the sum which the said corporation are hereby required to levy and collect for interest on Water Works Debentures or their renewals, under the sixth and ninth sections of this Act, the intention of this section being that all interest on existing Debentures issued for Water Works purposes, or on their renewals, or on any such Water Works Debentures or renewal Debentures as may be redeemed with Sinking Fund moneys, under the authority of this Act, shall be paid and satisfied out of the revenue arising from the Water Works of the said city.

16. Any section or sections, or part or parts of sections in the Special Acts of the Legislative Assembly of Ontario, authorizing the construction of the Water Works of the City of Ottawa, inconsistent with the provisions of this Act are hereby repealed.

17. The Municipal Corporation of the City of Ottawa, shall have power at any time to place to the credit of the sinking fund, created under the authority of this Act, any surplus moneys belonging to the said Corporation, either in lieu of the special interest and sinking fund rates, required to be levied and collected under this Act, in which case such special rates may be reduced to such rate or rates as shall be sufficient to raise the residue only of the amount required to be raised as interest and sinking fund under the authority of this Act, or as an addition to the sinking fund, for the purpose of providing a further fund for the payment, before or at maturity, of the debentures in the preamble to this Act mentioned, or of the debentures issued under the authority of this Act.

Rates how  
imposed.

18. The rates authorized to be imposed hereunder shall, for the purposes of collection and otherwise, be construed to be imposed under the Municipal Acts and the Assessment Acts, and all the powers therein contained for the collection of a municipal rate or rates shall apply hereto.

5

Deposits in  
Banks.

19. The Sinking Fund Account, created under the authority of this Act, shall be kept, and all moneys required by the provisions of this Act to be placed at the credit of the said account by the Treasurer of the said Corporation shall be, unless or until such moneys shall be invested as hereinbefore provided, deposited from time to time, as the sums may be received by him, in the Ottawa Agency of the Quebec Bank, or in such other of the chartered Banks of the Dominion of Canada having an agency in the said City as the Lieutenant-Governor in Council shall direct, until required for the purpose of paying the said Debentures.

Expenses on  
sale of debentures.

20. All expenses attending the sale or negotiation of the Debentures issued under this Act, and all discounts thereon, if any, shall be paid out of the general revenue of the said city in the year in which the said Debentures to be redeemed shall mature.

By-law not to  
require assent.

21. The By-law or By-laws of the said Corporation passed under the authority of this Act, shall not require the assent of the electors of the said city before the final passing thereof.

Irregularities  
not to invalidate.

22. No irregularity in form of the said Debentures or of the By-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said Corporation for the recovery of the amount of the said Debentures and interest or any or either of them or any part thereof.

30

## DEBENTURE DEBT OF THE CITY OF OTTAWA.

### CONSOLIDATION ACT.

STATEMENT showing in detail that the sum of \$11,700 collected each year, from 1878 to 1927, is sufficient for a Sinking Fund for the payment of the Debenture Debt, provided the Debentures as they become due, are extended for a period of 20 years and the Sinking Fund invested so as to yield five per cent. compounded yearly.

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1877—Nov. 1—Amount at present at credit of	
Sinking Fund .....	\$130,000
1903—May 1—Interest at 5 p. c. from Nov.	
1st, 1877, to date.....	321,224
	<hr/>
“ May 1—A yearly Sinking Fund of \$11,-	
700 from May 1st, 1879,	
to May 1st, 1903, will	
amount to.....	520,673
	<hr/>
	971,897



1903—May 1—First Ballot of Water Works Debentures fall due, £20,: 000 stg.....	97,334
	<hr/>
	874,563
1908—May 1—Interest from May 1st, 1903, to date .....	241,554
	<hr/>
	1,116,117
“ May 1—Second Ballot of Water Works Debentures, £20,000 stg..	97,334
	<hr/>
	1,018,783
1911—Nov. 1—Interest from May 1st, 1908, to date .....	190,069
	<hr/>
	1,208,852
“ Nov. 1—Debenture 310 falls due for ...	35,000
	<hr/>
	1,173,852
1913—May 1—Interest from Nov. 1st, 1911, to date.....	89,506
	<hr/>
	1,263,358
1913—May 1—Third Ballot of Water Works Debentures, £20,000 stg..	97,334
	<hr/>
	1,166,024
“ Nov. 1—Interest from May 1st, 1913, to date .....	29,150
	<hr/>
	1,195,174
“ Nov. 1—Debenture 337 falls due.....	584,000
“ .....	
	<hr/>
	611,174
1915—May 1—Interest from Nov. 1st, 1913, to date.....	46,602
	<hr/>
	657,776
“ May 1—Debenture 371 falls due .....	301,734
	<hr/>
	356,042
1916—Nov. 1—Interest from May 1st, 1915, to date .....	27,148
	<hr/>
	383,190
“ Nov. 1—Debenture 398 falls due.....	130,000
	<hr/>
	253,190
1918—May 1—Interest from Nov. 1st, 1916, to date.....	19,306
	<hr/>
	272,496
“ May 1—Fourth Ballot of Water Works Debentures falls due, £20- 000 stg.....	97,334
	<hr/>
	175,162



1923—May 1—Interest from May 1st, 1918, to date.....	48,379
	<hr/>
“ May 1—Balance of first issue of Water Works Debentures falls due, £22,720 stg.....	223,541
	<hr/>
	110,571
	<hr/>
	112,970
1924—May 1—Interest from May 1st, 1923, to date.....	5,648
	<hr/>
	186,181
1924—May 1—Sinking fund of \$11,700 from May 1st, 1904, to May 1st, 1924, amounts to.....	386,871
	<hr/>
	505,489
“ May 1—Second issue of Water Works Debentures fall due.....	449,680
	<hr/>
	55,809
1927—May 1—Interest from May 1st, 1924, to date.....	8,795
	<hr/>
	64,604
“ May 1—Sinking Fund of \$11,700 from May 1st, 1925, to May 1st, 1927, amounts to.....	36,884
	<hr/>
	101,428
“ May —Third issued of Water Works Debentures falls due .....	100,000
	<hr/>
Balance.....	1,488

## BILL.

An Act to Consolidate the Debt  
of the City of Ottawa.

First Reading, 1878.

(PRIVATE BILL.)

Mr. O'DONOHUE.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to Consolidate the Debenture Debt of the  
City of Ottawa.

WHEREAS the Corporation of the City of Ottawa have by their petition represented that it would be conducive to the welfare and interests of the said city, as well as greatly facilitate their financial arrangements to place the Debenture Debt of the City of Ottawa on a more satisfactory basis, both as to the payment thereof and otherwise; and whereas the Debt of the city on the thirty-first day of December, one thousand eight hundred and seventy-seven, as represented by Debentures then outstanding and in course of negotiation, for purposes which had theretofore received the sanction of the ratepayers, is two millions one hundred thousand three hundred and seventeen dollars and thirty-three cents, which said sum becomes due and is payable as follows:—

	In the year 1883.....	\$97,333 33
15	“ 1888.....	97,333 33
	“ 1891.....	35,000 00
	“ 1893.....	681,333 34
	“ 1895.....	301,733 33
	“ 1896.....	130,000 00
20	“ 1898.....	97,333 33
	“ 1903.....	110,570 67
	“ 1904.....	449,680 00
	“ 1907.....	100,000 00
25	Making a total of.....	\$2,100,317 33

And whereas it is desirable to issue, sell, or dispose of new Debentures to the amount of two millions one hundred thousand three hundred and seventeen dollars and thirty-three cents, to enable them to redeem the aforesaid Debentures which are now outstanding or in course of negotiation; and whereas it is also desirable that the Corporation should be empowered to establish a Sinking Fund, to be called “General Sinking Fund,” upon the terms in this Act contained for the redemption of such new Debentures, and to apply the present Sinking Funds as hereinafter stated; And whereas it is expedient so to grant, but upon the terms and with the safeguards hereinafter in this Act contained;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Corporation of the City of Ottawa may from time to time pass a by-law or by-laws under the terms and conditions

By-law for  
issue of  
debentures.

hereinafter provided for authorizing the issue of new Debentures of the said city to an amount not exceeding in the aggregate the sum of two millions one hundred thousand three hundred and seventeen dollars and thirty-three cents, for raising by way of loan upon the credit of such new Debentures from any person or persons, body or bodies, politic or corporate, either in Canada, Great Britain, or the United States of America, or elsewhere, who may be willing to lend the same a sum of money not exceeding in the whole the sum of two millions one hundred thousand three hundred and seventeen dollars and thirty-three cents of lawful money of Canada, to redeem the Debentures firstly in the preamble to this Act mentioned.

Debentures  
how issuable.

2. The new Debentures to be so issued shall be Debentures of the City of Ottawa, and such of the said new Debentures as may be required to be issued from time to time in order to redeem Debentures falling due, may be issued in the year preceding the maturity of the said last mentioned Debentures; and the said new Debentures shall be payable within twenty-one years from the day of the date of the respective issues thereof at any place in Canada, Great Britain, the United States of America or elsewhere, and may be expressed in sterling money of Great Britain, or currency of Canada, and such Debentures shall be in sums of not less than one hundred dollars Canadian Currency, or twenty pounds sterling.

Form of  
debentures.

3. The said new Debentures shall be under the common seal of the said city, and signed by the Mayor, and countersigned by the Treasurer of the said city, and may be in the form "A" in the schedule to this Act, or as near thereto as the Corporation may find convenient, according to the places where and the money in which the same are made payable.

Coupons.

4. Coupons shall be attached to the said new Debentures for the payment of the interest thereon, and such interest shall be payable half-yearly in each and every year, at the places and on the days mentioned therein, and the coupons attached thereto, and such new Debentures may bear interest at such rates as the Municipal Council of the said city at the date of the issue thereof may decide upon.

Application of  
debentures.

5. The said new Debentures, and any and all moneys arising therefrom, shall be applied by the said Corporation in the redemption of the Debentures of the City of Ottawa, firstly mentioned in the preamble to this Act, and in no other manner, and for no other purpose whatsoever.

Interest.

6. For the payment of the interest on the said new Debentures, there shall be annually raised, levied and collected by the said Corporation upon the whole of the then ratable or assessable property of the said city, a rate of so much in the dollar as shall be required to discharge in each year the interest on all existing Debentures issued under the authority of this Act, until the said last mentioned Debentures shall have been fully paid and satisfied: Provided always, that if any of such new Debentures shall be purchased and redeemed by the said Corporation before the maturity thereof out of moneys at the credit of the General Sinking Fund Account created by this Act, then the interest thereon shall continue to be raised and dealt with as provided in the ninth section of this Act.



7. From and after the first day of January, one thousand Sinking Fund  
 eight hundred and seventy-eight until the first day of January,  
 one thousand nine hundred and twenty-eight inclusive, the said  
 Corporation shall in addition to the rate and all moneys requir-  
 5 ed to be raised, levied and collected under the sixth section of  
 this Act, provide, raise and levy upon, and from the whole of  
 the then ratable property of said city, the yearly sum of  
 eleven thousand seven hundred dollars until the new Deben-  
 tures issued under the authority of this Act are fully paid and  
 10 satisfied as and towards a General Sinking Fund for the purpose  
 of paying the principal of the said new Debentures, and shall  
 impose a sufficient rate or rates for that purpose, in addition  
 to the other rate or rates from time to time imposed under  
 this Act.

15 8. The said Corporation shall have power to carry the pre- Former Sink-  
 sent Sinking Fund Accounts of the Debentures firstly in the ing Fund.  
 preamble to this Act mentioned, now amounting in the aggre-  
 gate to the sum of one hundred and thirty thousand dollars, to  
 the credit of the General Sinking Fund Account established by  
 20 this Act, for the redemption of the principal of the new  
 Debentures to be issued hereunder.

9. The said Corporation shall have power to invest any Redemption  
 moneys standing at the credit of the General Sinking Fund of debentures.  
 created under this Act, in the purchase and redemption of the  
 25 Debentures issued under the authority of this Act, at any  
 time previous to the maturity of the said last mentioned Deben-  
 tures, provided always, that in every such case the said Cor-  
 poration shall continue to levy and provide as aforesaid from  
 year to year such sum as would have been necessary to meet  
 and pay the interest on the said last mentioned Debentures in  
 the same manner precisely as if such Debentures had not been  
 so purchased or redeemed, and the said Corporation at any time  
 before the maturity of the existing Debentures of the said Cor-  
 poration now outstanding, and in the preamble to this Act  
 35 mentioned, shall have power to invest any moneys standing  
 at the credit of the General Sinking Fund Account created by  
 this Act in the purchase and redemption of the said now exist-  
 ing Debentures, and the said Corporation shall also apply, as  
 far as possible, all moneys standing from time to time at the  
 40 credit of the General Sinking Fund, created under this Act  
 in the payment and satisfaction at maturity of the said existing  
 Debentures of the said Corporation now outstanding and unma-  
 tured: provided moreover, that the said Corporation shall levy  
 and collect as aforesaid in each year, after such purchase and  
 45 redemption of the said Debentures firstly in the preamble to  
 this Act mentioned, whether the same may have been purchased  
 and redeemed before or at the maturity thereof, a sum equal to  
 the annual interest previously paid on the said now existing  
 Debentures so purchased and redeemed, until the time that new  
 50 Debentures authorized to be issued under this Act, would have  
 matured had such new Debentures been issued for the purpose  
 of paying the said existing Debentures so purchased with Gen-  
 eral Sinking Fund moneys as aforesaid, and all interest moneys  
 so raised under this section shall be immediately placed at the  
 55 credit of the General Sinking Fund Account, created under the  
 authority of this Act, and no moneys of the General Sinking  
 Fund created under this Act shall be invested in securities



other than the said Debentures hereinbefore mentioned, with out the sanction of the Lieutenant-Governor in Council.

Disposal of  
sinking fund  
and interest.

**10.** The said General Sinking Fund Rate or annual sum of eleven thousand seven hundred dollars, and the said interest moneys required to be raised, levied and collected in and by the ninth section of this Act, shall be placed at the credit of an account to be called the "General Sinking Fund Account," and the moneys hereby required to be levied, to provide for the annual interest on the Debentures issued under the authority of this Act and outstanding from time to time, shall be placed at the credit of an account to be called "The Special Interest Account" by the Treasurer of the said city out of the first moneys paid to him in each year by the collector or collectors of taxes or by the taxpayers of the said city, after providing for the interest mentioned in the thirteenth section of this Act, and such General Sinking Fund or Special Interest Account moneys shall on no account be used or applied by the said Corporation or Treasurer for any other purpose than those authorized by this Act.

Deficiency to  
be made good  
out of rates.

**11.** The Corporation shall be bound to make good and provide in each year out of the General Revenue of the said city for such year, the difference, if any, that will arise in such year between the interest that shall accrue on the invested General Sinking Funds and the interest which should accrue on such funds calculated at the rate of five per cent. per annum, and place the same at the credit of the said General Sinking Fund Account.

Rates limited  
to one cent  
and a half.

**12.** Notwithstanding the provisions of "The Municipal Institutions Act" it shall not until the expiration of the year one thousand nine hundred and twenty-eight be lawful for the Council of the Municipal Corporation of the City of Ottawa, to assess, levy or collect in any one year, on the whole ratable property within said city a rate higher in the aggregate than one and a half cents on the dollar on the actual value thereof, exclusive of the school rates: Provided always that if in any year the whole sum collectable under a rate of one and a half cents on the dollar as aforesaid will not equal the amount of moneys required by the provisions of this Act to be provided, levied and collected in such year, then, and in such case, the said council shall in any such year assess, levy and collect, as aforesaid, such further and higher rate as will suffice for and provide the same.

Yearly levy  
of interest.

**13.** From and after the first day of January, one thousand eight hundred and seventy-eight, it shall only be necessary, under the by-laws of the said Corporation, or under the Special Acts of the Legislative Assembly of Ontario, under which the Debentures firstly in the preamble to this Act mentioned were severally issued for the Corporation of the City of Ottawa to assess and levy in each year such rate or rates thereunder, and for the Water Works Commissioners of the City of Ottawa to reserve yearly from the revenues derived from the Water Works of the said city, for the construction of which a portion of the said Debentures were issued, such sum or sums as shall be sufficient respectively to discharge the interest which shall accrue due in such year upon all such of the Debentures firstly in the

preamble to this Act mentioned, as may still remain outstanding and unsatisfied.

**14.** Any surplus revenues derived from the supply of water by the Water Works of the said city, after providing for the interest on the Debentures issued to provide money for their construction, as in the thirteenth section provided, and for the expenses attendant upon the maintenance of the said works, shall, to the amount of eleven thousand seven hundred dollars, being the amount of the Sinking Fund which the said Corporation is required annually to assess and levy under this Act, or in case the said surplus should be less than the said sum of eleven thousand seven hundred dollars, then to the whole amount of such surplus, be paid over, in the year in which such surplus shall accrue, to the Treasurer of the said city, and become a part of the general revenue of the said city, unless the said Corporation shall neglect to provide in any year the said General Sinking Fund Rate or sum of eleven thousand seven hundred dollars, authorized to be annually levied under this Act, in which case and as often as the same shall occur, the said sum of eleven thousand seven hundred dollars of the said surplus Water Works revenue, or such less sum as the said surplus may amount to, shall be applied towards and placed at the credit of the said General Sinking Fund Account in the year in which such surplus shall accrue: provided always, that if there shall be in any year any surplus revenues derived from the supply of water, as aforesaid, after making provisions for the payment of interest, costs of maintenance and the said sum of eleven thousand seven hundred dollars in manner aforesaid, then all such surplus shall be immediately placed at the credit and become a part of the General Sinking Fund authorized to be created under this Act, until all of the Debentures issued hereunder shall have been fully paid and satisfied.

Surplus revenues for Water Works.

**15.** So soon as any of the Debentures firstly in the preamble to this Act mentioned which are issued for Water Works purposes shall be purchased by the said Corporation before or at maturity under the ninth section of this Act, or shall be redeemed by renewal Debentures under this Act, or whenever such renewal Debentures shall be purchased before maturity under the said section, then the Water Works Commissioners of the said city, or the person or persons, body or bodies corporate or politic, in which their powers may from time to time hereafter become vested, shall pay to the Treasurer of the said Corporation in each year a sum equal to the sum which the said Corporation are hereby required to levy and collect for interest on the said Water Works Debentures or their renewals, under the sixth and ninth sections of this Act, the intention of this section being that all interest on existing Debentures issued for Water Works purposes, or on their renewals, or on any such Water Works Debentures or renewal Debentures as may be redeemed with said General Sinking Fund moneys, under the authority of this Act, shall be paid and satisfied out of the revenue arising from the Water Works of the said city.

Water Works revenue.

**16.** Any section or sections, or part or parts of sections in the Special Acts of the Legislative Assembly of Ontario, authorizing the construction of the Water Works of the City of

Inconsistent Sections repealed.

Ottawa, inconsistent with the provisions of this Act are hereby repealed.

Surplus  
moneys.

**17.** The Municipal Corporation of the City of Ottawa shall have power at any time to place to the credit of the general sinking fund created under the authority of this Act, any surplus moneys belonging to the said Corporation, either in lieu of the special interest and sinking fund rates required to be levied and collected under this Act, in which case such special rates may be reduced to such rate or rates as shall be sufficient to raise the residue only of the amount required to be raised as interest and sinking fund under the authority of this Act, or as an addition to the general sinking fund, for the purpose of providing a further fund for the payment, before or at maturity, of the debentures firstly in the preamble to this Act mentioned, or of the debentures issued under the authority of this Act.

Rates how  
imposed.

**18.** The rates authorized to be imposed hereunder shall, for the purposes of collection and otherwise, be construed to be imposed under the Municipal Acts and the Assessment Acts, and all the powers therein contained for the collection of a municipal rate or rates shall apply thereto.

Deposits in  
Banks.

**19.** The General Sinking Fund Account created under the authority of this Act, and all moneys required by the provisions of this Act to be placed at the credit of the said account by the Treasurer of the said Corporation, shall, unless or until such moneys shall be invested as hereinbefore provided, be kept and deposited from time to time, as the sums may be received by him, in the Ottawa Agency of the Quebec Bank, or in such other of the chartered Banks of the Dominion of Canada having an agency in the said City as the Lieutenant-Governor in Council shall direct, until required for the purpose of paying the said Debentures.

Expenses on  
sale of debentures.

**20.** All expenses attending the sale or negotiation of the Debentures issued under this Act, and all discounts thereon, if any, shall be paid out of the general revenue of the said city in the year succeeding such sale or negotiation.

By-law not to  
require assent.

**21.** The By-law or By-laws of the said Corporation passed under the authority of this Act, shall not require to be submitted to or have the assent of the electors of the said city before the final passing thereof.

Irregularities  
not to invali-  
da .

**22.** No irregularity in the form of the said Debentures or of the By-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said Corporation for the recovery of the amount of the said Debentures and interest or any or either of them or any part thereof.

Rights of  
Debenture  
holders.

**23.** In case any holder of any of the debentures firstly in the preamble to this Act mentioned shall be at any time dissatisfied with the provisions of this Act, with respect to the General Sinking Fund, authorized to be created under this Act for the redemption at, or before the maturity thereof, of such debenture or debentures, or their renewal debentures, then the said



corporation shall be bound, within six calendar months after notice in writing of the dissatisfaction of such holder left by him for the treasurer of the said corporation, at the place where such first mentioned debenture is payable; either to redeem the  
 5 debenture or debentures specified in such notice as provided in the ninth section of this Act, if the said holder and the said corporation agree, that said debenture or debentures shall be so redeemed, or in default thereof to take from the first moneys standing at the credit of the General Sinking Fund authorized  
 10 to be created under the seventh and eighth sections of this Act, and place to the credit of the "Debenture Register Sinking Fund Account," authorised to be created under sub-section three of this section, a sum equal to the proportionate amount of the sinking fund which should remain at the credit of the debenture or debentures specified in such notice according to the  
 15 terms of the by-law or by-laws of the said corporation, or of the special Act or Acts of the Legislative Assembly of Ontario, as the case may be, under the authority of which such debenture or debentures were severally issued, and thereafter to continue  
 20 the levy and collection with respect to such debenture or debentures of a *pro rata* amount of the sinking fund originally named in such by-law or by-laws, or in such special Act or Acts; Provided always that such notice shall state the number, amount, date of issue, and name of holder or holders of each of the de-  
 25 bentures specified in such notice, and shall be accompanied with a declaration setting forth that the person claiming to be the holder of such debenture or debentures is the *bona fide* holder thereof.

(2.) In case the said corporation shall agree to redeem any  
 30 such debenture, as in this section provided, and the moneys at the credit of the General Sinking Fund authorized to be created under the seventh and eighth sections of this Act shall be insufficient for that purpose, then the said corporation shall have power, for the purpose of raising a redemption fund to pay off  
 35 such debenture, to issue a special debenture or debentures to mature in the same year as that originally fixed for the maturity of the debenture or debentures to be redeemed as aforesaid, in which case such special debentures shall be considered as substituted for the debentures redeemed thereby, and shall be  
 40 renewable at their maturity under the provisions of this Act to the same extent as the said debentures redeemed thereby would have been if not redeemed under this section.

(3.) In case, under the provisions of this section, it shall be necessary to continue the levy and collection as aforesaid of the  
 45 proportionate amount of the original sinking fund, of any of the debentures firstly in the preamble to this Act mentioned, the treasurer of the said corporation shall enter the number, amount, date of issue, name of the holder or holders, amount of the annual sinking fund of such debenture or debentures, and the  
 50 amount carried to the credit of such debenture or debentures under this section, in a book to be kept for that purpose, and to be styled a "Debenture Register," and all moneys of the Sinking Fund of such debenture or debentures last aforesaid, shall be an additional sinking fund to the General Sinking Fund authorized  
 55 to be created under the seventh section of this Act, and shall be deposited at the bank or banks mentioned in the nineteenth section of this Act, to the credit of a separate sinking fund account, to be styled "Debenture Register Sinking Fund Account," and shall be used by the said corporation for no purpose  
 60 whatever, other than the redemption at or before maturity of

Redemption fund.

Debenture Register.

Debenture Register Sinking Fund Account.



the particular debenture or debentures in respect of which such moneys are respectively deposited as aforesaid.

Copies of this Act to be left when debentures payable.

**24.** It shall be the duty of the said corporation to leave at the place or places where the debentures firstly in the preamble to this Act mentioned, are respectively payable, copies of this Act and printed notices directed to the holders of such debentures, and stating that copies of this Act are so left as aforesaid, and that the said corporation intends to avail itself of the provisions of this Act; and one of such notices, and (if demanded) a copy of this Act shall at every such place, and by, or on behalf of said corporation, be given to every person, who within twelve calendar months after the passing of this Act, lawfully presents himself at such place to receive payment of any interest due, or to come due upon any such debenture.

## SCHEDULE.

### FORM "A."

#### Consolidated Loan Debenture.

No.	Province of Ontario,	£ Stg.
	City of Ottawa.	

Under and by virtue of the Act passed in the forty-first year of the reign of Her Majesty, Queen Victoria, and chaptered , and by virtue of By-law No. , of the Corporation of the City of Ottawa, passed under the powers contained in the said Act.

The Corporation of the City of Ottawa promise to pay the bearer at , in the sum of pounds sterling, on the day of , A. D. and the half-yearly coupons hereto attached, as the same shall severally become due.

[L. s.]	A. B.,
	Mayor.
	C. D.,
	Treasurer.

### STATEMENT "B."

Showing in detail that the sum of \$11,700 collected each year from 1878 to 1927, is sufficient for a General Sinking Fund for the payment of the Debenture Debt, provided the Debentures as they become due, are extended for a period of twenty years and the Sinking Fund invested so as to yield five per centum compounded yearly.

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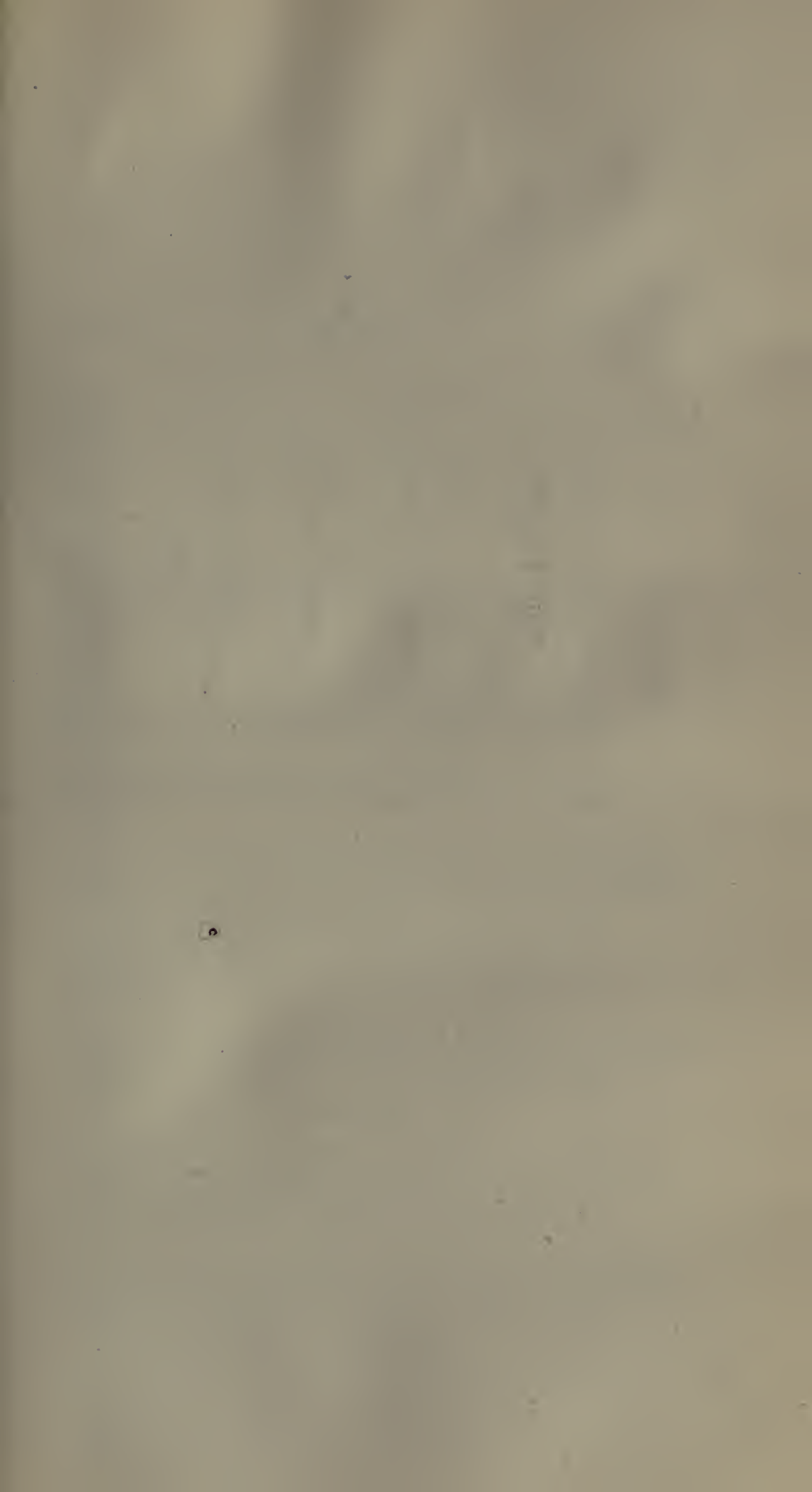


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1877—Nov. 1—Amount at present at credit of Sinking Fund .....	\$130,000
1903—May 1—Interest at 5 p. c. from Nov. 1st, 1877, to date.....	321,224
	<hr/>
	451,224

1903—May 1—A yearly Sinking Fund of \$11,- 700 from May 1st, 1879, to May 1st, 1903, will amount to.....	520,673
	<hr/> 971,897
1903—May 1—First Ballot of Water Works Debentures fall due, £20,000 stg.....	97,334
	<hr/> 874,563
1908—May 1—Interest from May 1st, 1903, to date .....	241,554
	<hr/> 1,116,117
“ May 1—Second Ballot of Water Works Debentures, £20,000 stg..	97,334
	<hr/> 1,018,783
1911—Nov. 1—Interest from May 1st, 1908, to date .....	190,069
	<hr/> 1,208,852
“ Nov. 1—Debenture 310 falls due for ....	35,000
	<hr/> 1,173,852
1913—May 1—Interest from Nov. 1st, 1911, to date.....	89,506
	<hr/> 1,263,358
1913—May 1—Third Ballot of Water Works Debentures, £20,000 stg..	97,334
	<hr/> 1,166,024
“ Nov. 1—Interest from May 1st, 1913, to date .....	29,150
	<hr/> 1,195,174
“ Nov. 1—Debenture 337 falls due.....	584,000
	<hr/> 611,174
1915—May 1—Interest from Nov. 1st, 1913, to date.....	46,602
	<hr/> 657,776
“ May 1—Debenture 371 falls due .....	301,734
	<hr/> 356,042
1916—Nov. 1—Interest from May 1st, 1915, to date .....	27,148
	<hr/> 383,190
“ Nov. 1—Debenture 398 falls due.....	130,000
	<hr/> 253,190
1918—May 1—Interest from Nov. 1st, 1916, to date.....	19,306
	<hr/> 272,496

1918—May 1—Fourth Ballot of Water Works Debentures falls due, £20- 000 stg.....	97,334
	<hr/>
	175,162
1923—May 1—Interest from May 1st, 1918, to date.....	48,379
	<hr/>
	223,541
“ May 1—Balance of first issue of Water Works Debentures falls due, £22,720 stg.....	110,571
	<hr/>
	112,970
1924—May 1—Interest from May 1st, 1923, to date.....	5,648
	<hr/>
	118,618
1924—May 1—Sinking fund of \$11,700 from May 1st, 1904, to May 1st, 1924, amounts to.....	386,871
	<hr/>
	505,489
“ May 1—Second issue of Water Works Debentures fall due.....	449,680
	<hr/>
	55,809
1927—May 1—Interest from May 1st, 1924, to date.....	8,795
	<hr/>
	64,604
“ May 1—Sinking Fund of \$11,700 from May 1st, 1925, to May 1st, 1927, amounts to.....	36,884
	<hr/>
	101,488
May —Third issued of Water Works Debentures falls due .....	100,000
	<hr/>
Balance.....	1,488





No. 19.

Third Session, Third Parliament, 41 Vic. 1878.

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BILL.

An Act to Consolidate the Debenture Debt  
of the City of Ottawa.

*(Reprinted as Amended.)*

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First Reading, 29th January, 1878.

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*(PRIVATE BILL.)*

Mr. O'DONOHUE.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

## An Act respecting the City of St. Catharines.

**W**HEREAS, the Corporation of the City of St. Catharines Preamble.  
have by their petition prayed that the Act passed in the  
twentieth year of Her Majesty's reign, intituled "An Act for  
the construction of Water Works in the Town of St. Catha-  
5 rines," may be amended, so as to enable the said corporation to  
raise a greater sum than fifty thousand pounds for the construc-  
tion of Water Works in the said city; also to amend the said  
Act, and the Act passed in the thirty-ninth year of Her Ma-  
jesty's reign, chaptered forty-seven, intituled "An Act to amend  
10 the Act for the construction of Water Works in the Town of  
St. Catharines," so as to abolish the Water Works' Commis-  
sioners of the Town (now City) of St. Catharines, and confer the  
power now vested in them upon the corporation of the said  
city; also to empower the said City of St. Catharines to issue  
15 debentures for the purpose of purchasing additional grounds for  
the market and public buildings, as well as for purposes of  
drainage; and whereas it is expedient to grant the prayer of  
the said petition;

Therefore Her Majesty, by and with the advice and consent  
20 of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** The corporation of the City of St. Catharines may, and  
they are empowered to, raise, by loan upon the credit of the  
debentures of the said city, in the same manner as is provided  
25 by section twelve of chapter nine of the Act passed in the  
twentieth year of Her Majesty's reign, in addition to the sum  
therein mentioned, the sum of fifty thousand dollars for the  
purpose of completing the Water Works already commenced  
in said city.

City may  
raise \$50,000 to  
complete  
Waterworks.

**2.** From and after the third Monday after the passing of this  
30 Act, the Water Works' Commission shall be abolished, and all  
the powers and duties conferred upon the said Commission by  
the said recited Acts shall be vested in the Municipal Corpora-  
tion of the said City of St. Catharines.

Water Works'  
Commission  
abolished.

**3.** The Municipal Corporation of St. Catharines be autho-  
35 rised to dispose of any lands and water privileges purchased  
during the construction of the Water Works, that may not be  
required for the successful operation of the Water Works.

City may  
dispose of  
lands, &c.

**4.** It shall and may be lawful for the Municipal Corporation  
40 of the said City of St. Catharines to raise by way of loan upon  
the credit of the debentures of the said city, the sum of twen-  
ty-two thousand dollars for the purpose of purchasing addi-  
tional ground for market and other purposes.

City may  
raise \$22,000  
for market  
purposes.

City may  
raise \$50,000  
for drainage  
purposes.

5. It shall and may be lawful for the Municipal Corporation of the City of St. Catharines to raise by way of loan upon the credit of the debentures of the said city, in such sums as may be desired, not exceeding in the whole the sum of (\$50,000) fifty thousand dollars, to be expended by the said Municipal Corporation of the City of St. Catharines, for drainage works in the said city : Provided, that the said debentures are not disposed of until their issue be authorised by a by-law, duly submitted to the ratepayers of the said City of St. Catharines, and carried by a majority of the votes polled. 5 10

Third Session, Third Parliament, 41 Vic. 1878

# BILL.

An Act respecting the City of St. Catharines.

First Reading.

1878.

(PRIVATE BILL.)

Mr.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

## An Act respecting the City of St. Catharines.

WHEREAS, the Corporation of the City of St. Catharines Preamble.

have by their petition prayed that the Act passed in the twentieth year of Her Majesty's reign, intituled "An Act for the construction of Water Works in the Town of St. Catharines," may be amended, so as to enable the said corporation to raise a greater sum than fifty thousand pounds for the construction of Water Works in the said city; also to amend the said Act, and the Act passed in the thirty-ninth year of Her Majesty's reign, chaptered forty-seven, intituled "An Act to amend the Act for the construction of Water Works in the Town of St. Catharines," so as to abolish the Water Works' Commissioners of the Town (now City) of St. Catharines, and confer the power now vested in them upon the corporation of the said city; and *whereas the Corporation of the said City of St. Catharines has entered into an agreement for the purchase of grounds for a market and public buildings for the sum of twenty-two thousand dollars, and has entered into possession thereof and expended moneys for improvements thereon, and have petitioned that power should be granted to said city to issue debentures therefor, and also debentures for the purpose of drainage:*

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The corporation of the City of St. Catharines may, and they are empowered to raise by loan upon the credit of the debentures of the said city, in the same manner as is provided by section twelve of chapter *ninety-one* of the Act passed in the twentieth year of Her Majesty's reign, in addition to the sum therein mentioned, a sum of *not exceeding seventy-five thousand* dollars for the purpose of completing the Water Works already commenced in said city; *provided no such loan shall be raised except after the passing of a by-law for the purpose and the adoption of such by-law by the rate-payers as provided in the Municipal Act for the creation of debts.*

City may  
raise \$75,000 to  
complete  
Waterworks.

2. The Council of the said Corporation may at any time by by-law declare that the powers, rights, privileges and duties of the Commissioners of the Water Works Commission of the said City of St. Catharines shall on and from a day to be named therein cease and be determined and come to an end, and the powers, rights, privileges and duties of the said commissioners shall from the day so named for that purpose as aforesaid cease, be determined and come to an end, and thereafter the said Water Works shall be managed and controlled by the said Municipal Council, and the said Municipal Council shall be

Transfer of  
Water Works  
to the Council.



*invested with all the powers, rights and privileges which are by the said hereinbefore recited Acts conferred upon, vested in or enjoyed by the said commissioners and be charged with all the duties which are thereby imposed upon them; provided always that such by-law shall not come into operation or take effect unless or until the assent of the like rate-payers of the said City of St. Catharines as were entitled to vote on the by-law to authorize the construction of the said Water Works shall have first been obtained thereto by a vote taken thereon in the manner provided by the Municipal Act for taking a vote on a by-law requiring the assent of the electors.*

Power of the Corporation over real property.

**3.** *The Corporation of the said City of St. Catharines may dispose of any real or personal property or water privileges acquired by them for water works purposes, when no longer required, and until sold, demise and lease the same.*

City may raise \$22,000 for market purposes.

**4.** *It shall and may be lawful for the Corporation of the said City of St. Catharines to raise by way of loan upon the credit of the debentures of the said city, the sum of twenty-two thousand dollars for the purpose of purchasing additional ground for market purposes and the erection of public buildings thereon.*

City may raise \$50,000 for drainage purposes.

**5.** *It shall and may be lawful for the Corporation of the City of St. Catharines to raise from time to time by way of loan upon the credit of the debentures of the said city, such sums as may be desired, not exceeding in the aggregate the sum of fifty thousand dollars, to be expended by the said Corporation of the City of St. Catharines, for drainage works in the said city and for no other purpose; Provided no such loan shall be raised except after the passage of a by-law for the purpose and the adoption of such by-law by the ratepayers as provided in the Municipal Act for the creation of debts.*



BILL.

An Act respecting the City of St. Catharines.

*(Reprinted as Amended.)*

First Reading, 25th January, 1878.

*(PRIVATE BILL.)*

Mr. HODGINS.

TORONTO:

PRINTED BY HUNTZE, ROSE & CO.

## An Act respecting the City of St. Catharines.

**WHEREAS** the Corporation of the City of St. Catharines **Preamble.**

by their petition have represented that an Act had been passed in the twentieth year of Her Majesty's reign, chaptered ninety-one, wherein power was given to the Town (now City) of St. Catharines to raise the sum of fifty thousand pounds for the construction of Water Works; and whereas, in pursuance of the said power, the said Water Works are nearly completed; and whereas in the month of July last, it was reported to the City Council of the said city by the Water Commissioners that all the funds raised by the sale of the Debentures, as authorized by the said Act, had been expended in the construction of the Water Works, but by reason of the growth of the said city, a larger main water pipe and many more miles of distribution pipe were required for the protection of the city from fire and for wholesome water for sanitary and domestic purposes, an application was made by the Water Commissioners to the City Council for an immediate loan to complete the Water Works during the summer season; and whereas the said City Council, in order to protect the property of the citizens in case of fire, deemed it expedient to grant, and did grant, out of the funds of the Corporation, forty-thousand dollars for such work, which was properly expended in such construction; and whereas the further liabilities of the said Water Works Commissioners, occasioned by such construction are thirty-five thousand dollars, and that good and wholesome water for sanitary and domestic purposes is now enjoyed by the ratepayers; and whereas the said Corporation have prayed that an Act may be passed to amend the said Act, and the Act passed in the thirty-ninth year of Her Majesty's reign, chaptered forty-seven, so as to abolish the said Water Works Commissioners, and to confer the powers now vested in them upon the Corporation of the City of St. Catharines; and whereas the said Corporation of the City of St. Catharines have also represented that in consequence of an indictment for a nuisance, as to their Public Buildings, found against them, they have entered into an agreement for the purchase of grounds for a market and public buildings for the sum of twenty-two thousand dollars, and have entered into possession thereof, and built a Lock-up House and Police Court thereon; and whereas the said Corporation have prayed that power should be given to the said Corporation of the said city to issue Debentures for the sum of seventy-five thousand dollars to pay the indebtedness already incurred for the completion of the said Water Works, and for the further sum of twenty-two thousand dollars for the payment of the said market grounds and Public Buildings; and whereas the said Corporation have also prayed that they may be enabled to raise a further sum for drainage purposes in the said City of St. Catharines;



Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**City may raise \$75,000 to complete Waterworks.** 1. The corporation of the City of St. Catharines may, and they are empowered to raise by loan upon the credit of the debentures of the said city, in the same manner as is provided by section twelve of chapter *ninety-one* of the Act passed in the twentieth year of Her Majesty's reign, in addition to the sum therein mentioned, a sum of *not exceeding seventy-five thousand* dollars for the purpose of completing the Water Works already commenced in said city. 5 10

**Transfer of Water Works to the Council.** 2. *The Council of the said Corporation may at any time by by-law declare that the powers, rights, privileges and duties of the Commissioners of the Water Works Commission of the said City of St. Catharines shall on and from a day to be named therein cease and be determined and come to an end, and the powers, rights, privileges and duties of the said commissioners shall from the day so named for that purpose as aforesaid cease, be determined and come to an end, and thereafter the said Water Works shall be managed and controlled by the said Municipal Council, and the said Municipal Council shall be invested with all the powers, rights and privileges which are by the said hereinbefore recited Acts conferred upon, vested in or enjoyed by the said commissioners and be charged with all the duties which are thereby imposed upon them; provided always that such by-law shall not come into operation or take effect unless and until the assent of the like rate-payers of the said City of St. Catharines as were entitled to vote on the by-law to authorize the construction of the said Water Works shall have first been obtained thereto by a vote taken thereon in the manner provided by the Municipal Act for taking a vote on a by-law requiring the assent of the electors, or unless and until the assent of the Commissioners of the said Water Works Commission shall have been given in a By-law or resolution of the said Commissioners, duly passed by them and filed in the office of the City Clerk of the said Corporation.* 15 20 25 30 35 40

**Power of the Corporation over real property.** 3. *The Corporation of the said City of St. Catharines may dispose of any real or personal property or water privileges acquired by them for water works purposes, when no longer required, and until sold, demise and lease the same.* 40

**City may raise \$22,000 for market purposes.** 4. It shall and may be lawful for the Corporation of the said City of St. Catharines to raise by way of loan upon the credit of the debentures of the said city, the sum of twenty-two thousand dollars for the purpose of purchasing additional ground for market purposes and the erection of public buildings thereon. 45

**City may raise \$50,000 for drainage purposes.** 5. It shall and may be lawful for the Corporation of the City of St. Catharines to raise from time to time by way of loan upon the credit of the debentures of the said city, such sums as may be desired, not exceeding in the aggregate the sum of fifty thousand dollars, to be expended by the said Corporation of the City of St. Catharines, for drainage works in the said city and for no other purpose; Provided no such loan shall be raised except after the passage of a by-law for the purpose and the adoption of such by-law by the ratepayers as provided in the Municipal Act for the creation of debts. 50 55



**BILL.**

An Act respecting the City of St. Catharines.

*(Reprinted as Amended.)*

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First Reading, 25th January, 1878.

Second Reading, 6th February, 1878.

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*(PRIVATE BILL.)*

Mr. HODGINS.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the Crown Assurance  
Company.

**W**HEREAS D. B. Chisholm, T. C. Livingstone, H. Theodore Crawford, T. C. Haslett, R. H. Adams, D. Dexter, all of the City of Hamilton, and others, have, by their petition, represented that the establishment of an association for the insurance of lives would be greatly beneficial, and have prayed for an Act of incorporation for the purpose of carrying on a business of that nature, and whereas it is expedient to grant their prayer:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The persons hereinbefore named, and all such persons as shall become shareholders in the said Company, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in law, in fact, and in name, by the style and title of the "Crown Assurance Company," for the purpose of carrying on the business of life insurance and doing all things appertaining thereto, or connected therewith, and shall and may have perpetual succession, and shall be capable in law of contracting, and being contracted with, and suing and being sued, pleading and being impleaded, in any court of law or equity, and they and their successors shall and may have a common seal, and may change the same at their will and pleasure.

Incorporation  
and corporate  
name.

2. The capital stock of the said Company shall be one million dollars, divided into ten thousand shares, of one hundred dollars each; with the privilege to increase the same from time to time to any amount not exceeding two millions of dollars by a vote of the shareholders at any annual or special meeting of shareholders called for that purpose; which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act.

3. For the purpose of organizing the said Company, the said D. B. Chisholm, T. C. Livingstone and H. Theodore Crawford, Esquires, shall be provisional Directors thereof; and they or a majority of them may cause stock-books to be opened, after giving due public notice thereof by advertisement for two weeks in one or more of the daily papers published in the City of Hamilton, Ontario, upon which stock-books shall be recorded the subscriptions of such persons as shall desire to become

Provisional  
Directors.



shareholders in the said Company ; and such books shall be opened in the said City of Hamilton and elsewhere, at the discretion of the said provisional Directors, and shall remain open as long as they deem it necessary ; and the provisional Directors are hereby authorized to receive from the stockholders a deposit of five per cent. on the amount of their stock subscribed by them respectively, and to pay all costs and expenses incurred in the application for and obtaining the passing of this Act. 5

First General Meeting.

4. When fifty thousand dollars of the said capital stock shall have been subscribed as aforesaid, and at least five per centum of the amount so subscribed paid into one or more chartered banks, to be designated by the provisional Directors, and not to be withdrawn therefrom except for the purposes of the Company, the said provisional Directors may call a general meeting of shareholders at some place to be named in the said City of Hamilton, giving at least ten days' notice thereof in the *Ontario Gazette*, and also in some daily newspaper published in the said city, at which meeting the shareholders present in person or represented by proxy, shall elect a board of Directors, composed of not less than five persons, in the manner and qualified as by this Act provided, who shall hold office for one year after their election. 10 15 20

Commencing business.

5. When and so soon as one hundred thousand dollars of the capital stock of the Company shall have been *bona fide* subscribed for, and five per cent. thereon shall have been actually paid in and deposited with the Treasurer of Ontario, the Company shall be entitled to a license, and to commence business under this Act, and so long as the Company shall not issue policies for a larger amount than five hundred dollars each, it shall not be required to make any further deposit, but it shall in all other respects be subject to the provisions of the Act passed by the Legislature of Ontario in the thirty-ninth year of Her Majesty's reign, and intituled "An Act respecting Insurance Companies." 25 30 35

Directors.

Elections.

6. The stock, property, affairs and concerns of the said Company shall be managed and conducted by the Board of Directors, who shall hold office until the next annual general meeting of shareholders and election of Directors, to be holden at Hamilton, Ontario, on the anniversary of the first election of Directors or on such other day in each year as may be appointed by by-law—not less than ten days' notice of such meeting being given, as provided in section four : the said election shall be held and made by such of the shareholders present in person or represented by proxy, as shall have paid all calls made by the Directors and then due ; and all such elections shall be by ballot ; and the requisite number of persons, as determined under the provisions of section nine, who shall have the greatest number of votes at any such election, shall be Directors, except as hereinafter provided : and if two or more persons have an equal number of votes in such a manner that a greater number of persons than the number required (such number to be determined as aforesaid) shall appear to be chosen as Directors, then the Directors who shall have the greater number of votes, or a majority of them, shall determine which of the said persons so having an equal number of votes shall 40 45 50 55

be the Director or Directors, so as to complete the whole number required as aforesaid : and the said Directors (as soon as may be after the said election) shall proceed in like manner to elect by ballot one of their number to be President and one to  
 5 be Vice-President ; and if any vacancy should at any time happen amongst the said Directors by death, resignation, disqualification or removal during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining Directors, or a majority of those of them present at  
 10 any meeting, electing in such place or places a shareholder or shareholders eligible for such office : Provided always, that no person, except as hereinafter provided, shall be eligible to be or continue as a Director unless he shall hold in his own name and for his own use, stock in the said Company to the amount of  
 15 ten shares, whereof at least five per centum shall have been paid in, and shall have paid all calls made and due upon his said stock.

7. In case it should at any time happen that an election of Directors of the said Company should not be made on any day  
 20 when pursuant to this Act it should have been made, the said Company shall not for that cause be deemed to be dissolved ; but it shall be lawful on any other day to hold and make an election at a special general meeting to be called for that purpose by the Directors, who shall continue in office until a new  
 25 election is made.

8. At all meetings of Directors five shall be a quorum for  
 the transaction of business ; and all questions of business shall be decided by a majority of votes ; and in case of an equality of votes, the President, Vice-President, second Vice-President,  
 30 or presiding Director shall give the casting vote in addition to his vote as a Director. At all such meetings the President, or in his absence the Vice-President, or in the absence of both the second Vice-President, or in the absence of all of them, a Director, chosen by a majority of the Directors present, shall preside.

9. The Directors shall have full power and authority, from  
 time to time, to make and to alter such by-laws, rules, regulations and ordinances as shall appear to them proper and need-  
 ful, touching the well ordering of the Company, the management and disposition of its stock, property, estates and effects,  
 40 the calling of special general meetings, the regulation of the meetings of the Board of Directors, the increasing or the decreasing of the number of Directors, the increasing of the capital stock, the appointment of a second Vice-President, a general manager and a secretary, and of local boards to facilitate the  
 45 details of business, and the definition of the duties and powers of such local boards, the making of calls upon the subscribed capital, the issue and allotment of shares, the appointment and removal of officers and agents of the Company, the regulation of their powers and duties, and the remuneration to be paid to  
 50 them, the regulation of the transfer of stock and the form thereof, the compensation of Directors, and the establishment and regulation of agencies, the adjusting and paying of all claims against the Company, the determining of the rates, rules, and conditions, under which the Company's policies shall be  
 55 issued, transferred or repurchased, and generally to do all other necessary matters and things they may deem expedient in conducting and managing the interests, business and affairs of the Company.

**Dividends.**

**10.** The Directors of the Company, at a meeting held for such specified purpose, may declare such annual or semi-annual or quarterly dividends upon the capital stock as they shall deem justified by its business : Provided always, that no part of the capital shall be appropriated to such dividend, and also, that a reserve or re-insurance fund calculated upon the basis hereinafter stated, sufficient to re-insure the Company's outstanding risks, shall be maintained ; and such reserve shall be held for the benefit of policy holders exclusively. The Directors may also, by resolution, order that the holders of policies or other instruments shall be paid such proportion of the actual realized profits, in such portions, at such times, and in such manner, as the said Directors may think proper, and may enter into obligations so to do, either by endorsement on the policies or otherwise : Provided always, that the holders of the policies or other instruments so participating in the profits, shall not be in anywise answerable or responsible for the debts of the said Company. All acts done by any meeting of the Directors, or by any person acting as a Director, shall, notwithstanding it may afterwards be discovered that there was some defect or error in the appointment of any person attending such meeting as a Director, or acting as aforesaid, or that such person was disqualified, be as valid as if any such person had been duly appointed and was qualified to be a Director.

**Bonuses.****Invalid appointment of directors.****Calls on shares****Payment in advance.****Forfeiture.****Payment before forfeiture and proof of by-law.**

**11.** The shares of capital stock subscribed for shall be paid in and by such instalments and at such times and places as the Directors shall appoint : no such instalment shall exceed ten per cent., of which call thirty days' notice shall be given : and executors, administrators and curators paying instalments upon the shares of deceased shareholders shall be and they are hereby respectively indemnified for paying the same.

**12.** The Directors may, if they think fit, receive from any shareholder willing to advance the same, all or any part of the amount due on the shares held by such shareholder beyond the sums then actually called for, and upon the moneys so paid in advance as shall from time to time exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the company may pay interest at such rate not exceeding ten per cent. per annum, as the shareholder paying such sum in advance and the Directors shall agree upon.

**13.** If any instalment upon any share be not paid when due the Directors may declare such share forfeited, together with the amount previously paid thereon, in such manner as may be provided by the by-laws ; and such forfeited share may be sold at a public sale by the Directors after such notice as they may direct ; and the moneys arising therefrom shall be applied for the purposes of this Act : Provided always, that in case the money realized by any sale of shares be more than sufficient to pay all arrears and interest, together with the expenses of such sale, the surplus of such money shall be paid on demand to the owner ; and no more shares shall be sold than are deemed necessary to pay such arrears, interest and expenses.

**14.** If payment of such arrears of calls, interest and expenses be made before any share so declared forfeited shall have been sold, such share shall revert to the owner as if the same



had been duly paid before forfeiture thereof; and in all actions Evidence\*in suits for calls.  
 or suits for the recovery of such arrears or calls it shall be sufficient for the Company to allege that the defendant, being the owner of such shares, is indebted to the said Company in such  
 5 sum of money as the calls in arrear amount to for such and so many shares, whereby an action hath accrued to the Company by virtue of this Act; and on the trial it shall be only necessary to prove that the defendant was owner of the said shares  
 10 in the Company, that such calls were made, and that notice was given as directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such calls, or any matter whatsoever other than what is before mentioned: a copy of any by-law, rule, regulation or minute, or of any entry in any book of the Company, certified to be a true copy  
 15 under the hand of the President or one of the Vice-Presidents, or the general manager or Secretary of the Company, and sealed with the corporate seal, shall be received in all courts and proceedings as *prima facie* evidence of such by-law, rule, regulation, minute or entry without further proof thereof, and  
 20 without proof of the official character or signature of the officer signing the same, or of the corporate seal.

15. No transfer of any share of the stock of the said Com- Transfers of shares:  
 pany shall be valid until entered in the books of the said Company, according to such form as may, from time to time, be fixed  
 25 by the by-laws; and until the whole of the capital stock of the said Company is paid up it shall be necessary to obtain the consent of the Directors to an absolute transfer being made: Provided always, that no shareholder indebted to the Company shall be permitted to make an absolute transfer of any share or  
 30 receive a dividend until such debt is paid or secured to the satisfaction of the Directors; and no such transfer of stock shall at any time be made until all calls thereon have been paid in.

16. The transmission of any shares of the stock of the Com- Proof of transfer or death, &c.  
 pany, in consequence of the marriage, death or insolvency of a  
 35 shareholder, or by any other means than an ordinary transfer, shall be made, proved and authenticated in such form, by such proof and generally in such manner as the Directors shall, from time to time require, or by by-law direct, before any persons claiming such shares shall be entitled to vote thereon, or to re-  
 40 ceive any dividends or money payable in respect thereof.

17. Aliens, as well as British subjects, and whether resident Rights of Shareholders:  
 in Canada or elsewhere, may be shareholders in the said Company; and all such shareholders shall be entitled to vote on  
 45 their shares equally with British subjects, and shall be also eligible to hold office as Directors or otherwise in the said Company.

18. Each shareholder shall be individually liable to the cre- Liability of Shareholders:  
 ditors of the Company to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities  
 50 thereof, but no further.

19. Every executor, administrator, tutor, curator, guardian Executors.  
 or trustee, shall represent the stock in his hands at all meetings of the Company, and may vote accordingly as a shareholder.

20. At the annual meeting of the shareholders the election Annual and Special Meetings.  
 55 of Directors shall be held, and all business transacted without



the necessity for specifying such business in the notice of such meeting; and at such meeting a general balance-sheet and statement of the affairs of the Company, with a list of all the shareholders thereof, and all such further information as may be required by the by-laws, shall be laid before the shareholders. Special general meetings of shareholders may be called in such manner as may be provided for by the by-laws; and at all meetings of the shareholders the President, or, in his absence, the Vice-President, or in the absence of both of them, a Director or shareholder chosen by the shareholders shall preside, who, in case of an equality of votes, shall give the casting vote in addition to his vote as a shareholder.

Votes:

21. At all general meetings of the said Company each shareholder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting, upon which all calls then due have been paid up; such votes may be given either in person or by proxy; and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes, the chairman presiding at such meeting having the casting vote in case of an equality of votes. All persons entitled to vote at any meeting of shareholders may, by writing under their hands (or if such persons be a corporation, then under their common seal) constitute any person their proxy to vote at any such meeting. No person shall be entitled to vote as a proxy unless he shall be a shareholder, and unless such appointment shall have been produced to the secretary and entered in a book to be kept by him for such purpose.

Business of  
Company.

22. The said Company shall have power and authority to carry on the business of insurance on lives, to grant, make, and effect contracts of insurance with any person or persons, body politic or corporate, upon life or lives, either for a period of life or lives, or other periods in any way dependent upon life or lives, and to buy, sell, grant, acquire and otherwise dispose of the same, or sell annuities either for a life or lives, or otherwise, and on survivorship, and to buy, sell, grant and otherwise acquire, and otherwise dispose of annuities and endowments of every description on the lives of both adults and children, and to purchase contingent rights whether of reversion, remainder, annuities, life policies or otherwise, and to enter into any transaction depending upon the contingency of life and all other transactions usually entered into by life insurance companies or associations, including re-insurance. The Company shall also have power and authority to make and effect contracts of insurance with any person or persons, body politic or corporate, against all accidents or casualties of whatsoever nature, or from whatsoever cause arising, whereby the insured may suffer loss or injury, or be disabled; or in case of death from any accident, to secure to the representative of the person assured the payment of a certain sum of money, upon such terms and conditions as may be agreed upon, and generally to do and perform all other necessary matters and things connected with and proper to promote those objects, and all contracts or policies of insurance issued or entered into by the said Company shall be signed by the President or one of the Vice-Presidents, and countersigned by the general manager or secretary, or otherwise, as may be directed by the by-laws, rules and regulations of the

Company, and being so signed and countersigned, shall be deemed valid and binding upon the Company, according to the tenor and meaning thereof.

**23.** The Company shall have power to acquire and hold real estate for the purposes of its business, and to sell or dispose of the same and acquire other property in its place, as may be deemed expedient; and to take, hold and acquire all such lands and tenements, real or immovable estate, as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts, or purchased for the purpose of avoiding a loss to the Company in respect thereof, or of the owners thereof; and to retain the same for a period not exceeding five years; and the Company may invest its funds or any part thereof in the public securities of the Dominion of Canada, or of any of the provinces thereof, or in the stocks of any chartered bank or building society, or in the bonds or debentures of any incorporated city, town or municipality authorized to issue bonds or debentures, or in mortgages on real estate, or in such other securities and in such manner as the Directors may elect; and may from time to time vary or sell the said securities or mortgage, or pledge the same from time to time as occasion may require: The Company shall have power to borrow money on the

Real Estate  
and invest-  
ments.

**24.** The Company may receive deposits of money for investment or accumulation, and invest the same as provided in section *twenty-one*, and may grant therefor deposit receipts bearing interest at such rates and upon such terms as the Directors may think proper. The Company shall also have power to borrow money on the security of its debentures or promissory notes, to an amount not exceeding the amount of its paid-up capital stock, and ten per centum of the amount of the reserve or sum requisite for the re-insurance of the Company's outstanding risks; and the legal standard for computing such reserve or re-insurance fund shall be the same mortality tables used, and the same rates of interest assumed, in the computation of the Company's rates of premiums for insurance.

Deposits.

Borrowing  
powers.

**25.** The Company shall not be bound to see to the execution of any trust, whether expressed, implied, or constructive, in respect of any share; and the receipt of any stockholder, his attorney or agent, in whose name the same may stand in the books of the Company, shall be a valid and binding discharge to the Company for any dividends or money payable in respect of such share, and whether or not notice of such trust has been given to the Company; and the Company shall not be bound to see to the application of the money paid upon such receipt.

Company not  
bound to see  
to trusts on  
shares.

**26.** Any certificate or obligation issued by the Company, agreeing to purchase one of its policies for a fixed sum during a stated period, when accompanied by the policy duly assigned or transferred, shall be negotiable, and shall convey title to the policy to the party to whom it may be so assigned or transferred, and any policy taken out in favour of a wife, child, relative or other person having a beneficial interest in the life of the insured, shall not be liable to seizure by the creditors of the person so insured.

Assignment of  
Policy

Exemption  
from seizure.

Failure to pay  
premiums.

**27.** If any promissory note, cheque, draft or bill of exchange, received by the Company, or any officer or agent thereof, in payment either in whole or in part of any premium or premiums on any policy or policies made or issued by the Company be dishonoured, or if the premiums on any policy be not paid when due to the Company, or to one of its duly authorized agents, such policy or policies shall lapse and be null and void, and the Company shall be discharged from all liabilities under the same or in respect thereof: Provided always, that the Board of Directors in their discretion may subsequently receive such premiums and revive the policies on such terms as they may deem proper. 5 10

Proofs of  
claims.

**28.** Proofs of claims against the Company, under or in respect of any contracts made or policies issued by it, shall be such in substance and in form as the Company may require, and shall be verified by the affidavits, affirmations or declarations of the several persons subscribing thereto. All such affidavits, affirmations or declarations shall be made before the judge of any court of record, or before the mayor of any city or town, or before any notary public; and all such officers are hereby authorized to take the same; and any person who knowingly, wilfully and corruptly makes, in any such affidavits, affirmations or declarations, any false statement of fact, matter, or thing in regard to such claims, shall be guilty of wilful and corrupt perjury. 15 20 25

False claims

**29.** If any persons making any claims against the Company under or in respect of any contracts made or policies issued by it shall knowingly and wilfully furnish the Company with any untrue statement in support of such claims, such claims, contracts and policies shall thereby and thereupon be discharged, and the Company at once and forever released from all liabilities in respect thereof. 30

Actions.

**30.** No action shall be brought or suit commenced against the Company under or in respect of any contract or policy made or issued by it after one year from the time when the right of action accrued, and if brought or commenced after that time, the lapse of time shall be a conclusive bar thereto. And under no circumstances whatever shall any claim against the Company under or in respect of any policies issued by it be payable until a valid legal discharge of such claim, together with such policies duly receipted and cancelled, as the Directors may require, shall have been filed with the Company at its chief place of business or elsewhere as they may direct. 35 40

Interpreta-  
tion.

**31.** In this Act the following words and expressions have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say, words importing the plural number include the singular number; words importing the masculine gender include females. "Policies" mean insurance policies or contracts or policies of insurance issued by the Company. The expressions, "The Directors," "The Board of Directors," mean the Directors for the time being; "The Company" means "The Crown Assurance Company." 45 50







Third Session, Third Parliament, 41 Vic. 1878.

**BILL.**

An Act to incorporate the Crown Assurance  
Company.

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First Reading,	1878.
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*(PRIVATE BILL.)*

**MR. WILLIAMS.**

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**TORONTO:**

**PRINTED BY HUNTER, ROSE & CO.**

An Act to incorporate The Western University of  
London, Ontario.

WHEREAS The Right Reverend Isaac Hellmuth, Doctor of Divinity, and Bishop of the Diocese of Huron, the Association of the President and Alumni of Huron College and others, have, by their petition represented that they are desirous of establishing at the City of London, a College with University Powers in connection with the Church of England, in order to promote the higher scholastic training and instruction of students who may propose to enter the ministry of the said church, and also to provide further facilities for higher instruction generally in arts, science, literature, law, medicine and engineering; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. A college with university powers is hereby established at the City of London, in the Province of Ontario, and the following persons namely: The Right Reverend Isaac Hellmuth, Doctor of Divinity and Bishop of the Diocese of Huron, the Very Reverend Michael Boomer, Principal of Huron College, the Honourable Samuel Hume Blake, Vice-Chancellor, the Very Reverend H. J. Grassett, D.D., Dean of Toronto, the Venerable Archdeacon E. E. Elwood, M. A., the Venerable Archdeacon Arthur Sweatman, M. A., the Reverend Professor Halpin, M. A., His Honour Judge Davis, A. Cleghorn, Esquire, the Reverend Canon Innes, the Reverend William Logan, the Reverend J. W. P. Smith, the Reverend D. Denson, M. A., the Reverend William Davis, the Reverend Canon Hincks, William P. R. Street, Esquire, Barrister, D. McCraney, M. P. P., Lieut.-Col. J. B. Taylor, the Reverend Canon Nelles, the Reverend A. S. Falls, B. A., the Reverend D. Deacon, B. A., the Reverend A. C. Hill, M. A., the Reverend F. Harding, the Reverend W. Daunt, M. A., the Reverend R. H. Starr, M. A., and all the persons who may hereafter be appointed to be chancellor or members of the senate as hereinafter mentioned, and all the persons on whom the University hereby created may hereafter confer any degree, are hereby created one body politic and corporate by the name of "The Western University of London, Ontario," with perpetual succession and a common seal, and by that name to sue and be sued.

Preamble.

Incorporation  
and corporate  
name.Power to hold  
lands &c.

2. By the same name they and their successors shall be able and capable in law to take, purchase and hold to them and their successors any goods, chattels or personal property what-

soever, and shall also be able and capable in law, notwithstanding the Statutes of Mortmain, to take, purchase and hold to them and their successors not only all such lands, buildings, hereditaments and possessions as may be from time to time exclusively used and occupied for the immediate purposes of the said University, but also any other lands, buildings, hereditaments and premises situate within the Province of Ontario, not exceeding the annual value of ten thousand dollars, such annual value to be calculated and ascertained at the period of taking, purchasing or acquiring the same, and that they and their successors shall be able and capable in law to grant, demise, alien or otherwise dispose of all or any of the property real or personal belonging to the said University, and also to do all other matters incidental or appertaining to a body corporate.

**3.** The said corporation shall consist of a chancellor, vice-chancellor, members of the senate and graduates, and that the members of the senate shall be the Bishop of the Diocese of Huron in connection with the Church of England, or the bishops of the dioceses into which the same may at any time be divided, the Principal of Huron College for the time being, the several persons named in the first section of this Act, and ten persons who, for the time being, are the ten senior graduates of the University; and the graduates shall be the persons on whom respectively, the University created by this Act shall hereafter confer any degree—and the quorum of the senate shall consist of at least fifteen in number of its members personally present at any meetings thereof; and the senate shall elect the Chancellor and appoint one of their number to be the Vice-Chancellor of the University; and in case at any time the total number of the members constituting the senate shall be reduced to less than thirty exclusive of the Chancellor, then the remaining members of the senate, shall thereupon and as often as the same may happen, appoint other persons to be members of the senate, but not so as to exceed the said number of thirty in all.

**4.** The senate shall have the management of, and the superintendence over the affairs, concerns and property of the University, and shall have full power to invest the moneys from time to time belonging to the University for the general purposes thereof, or upon any special trust connected therewith, in the public securities of this Province or of the Dominion of Canada, or upon first mortgages of freehold lands, or in approved debentures of municipal corporations in this Province; and may make such regulations, and appoint such officers as the senate may deem expedient for all or any of said purposes.

**5.** The Lieutenant-Governor shall be the Visitor of the University, and it shall be the duty of the senate whenever called upon by him to do so, to furnish full and accurate accounts in writing, of the property of the University and the income derived therefrom in order that the same may be laid before the Provincial Legislature at any Session thereof.



6. The senate shall have full power from time to time to make and alter any by-laws and regulations (not being repugnant to any law in force in this Province or to this Act) respecting the number and appointment of professors and lecturers in the different faculties or departments of learning, also the examinations for degrees, honours and scholarships and the granting of the same, and charging of reasonable fees in that behalf, also the time and mode of summoning meetings of the senate, also the appointment and duties of examiners of the University, also as to the admission of students, and the course of study in the several faculties and departments—and generally respecting all other matters for promoting the purposes of the University or for carrying into effect the intent and spirit of this Act, and all such by-laws and regulations, when reduced into writing and under the Common Seal of the University, shall be held to be binding on all persons members thereof, and upon all candidates for degrees, honours or scholarships and upon all students therein, and upon all others whom they may concern: Provided always, that it shall not be lawful for the senate to require from or impose upon any person or student any compulsory religious qualification or examination or test of a denominational character other than in the faculty of divinity; and, Provided also, that any by-law or regulation respecting the course of study and the subjects of examination for any degree, honour or scholarship in any faculty or department, other than divinity shall, in as far as circumstances will in the opinion of the senate permit, be similar to those now in force for the like purposes in the Provincial University at Toronto, to the end that the standard of qualification in the University hereby created may not be inferior to that which now prevails for a like degree or honour in the Provincial University; and any by-law or regulation passed for any of the purposes mentioned in this proviso shall be deposited with the Provincial Secretary within ten days after the passing thereof, to be laid before the visitor; and such by-law or regulation shall have force and effect in the meantime and until disallowance by the visitor, such disallowance being signified through the Provincial Secretary within three months after such deposit with him as aforesaid.
7. The senate shall not confer any degree in the faculty of arts or in science or literature until such time as four professorships at least have been established in the faculty of arts, and four professors appointed thereto; and no persons shall be admitted as candidates for any degree in medicine or surgery to be conferred by the said University unless the said persons shall have completed the course of instruction which the senate by by-law or regulation in that behalf may determine in such one or more medical schools to be also mentioned in every such by-law or regulation: Provided, that every such by-law or regulation or any alteration or amendment thereof to be operative shall be required to be first approved of by the Lieutenant-Governor.

Powers of Senate.

No religious tests.

Proviso

Degrees.

Proviso

Degrees.

8. The said University shall have no power to confer any degree other than in divinity except after examination duly had under and in pursuance of the by-laws and regulations of the senate respecting such degree, but degrees as *ad eundem* degrees may be conferred by the senate upon the graduates of any University in Great Britain or Ireland or in the Dominion of Canada, or in any of Her Majesty's possessions.



Huron College  
may affiliate.

9. Huron College may at any time become affiliated to the said University so as to constitute the faculty of divinity in said University, upon such terms as the said college, under and subject to the constitution governing the same, and the said University may agree upon, and the said University may also acquire the control and management of Hellmuth College, situate in the said City of London, upon such terms as may be entered into with the proprietors thereof. 5

Affiliation.

10. Any University powers or privileges granted by this Act for conferring degrees may be withdrawn at any time when the Legislature deems it expedient to require this University to become affiliated, in the whole or in respect of any particular faculty or department, with the Provincial University at Toronto; and the college with university powers hereby created may also on its own motion become affiliated in respect of any of its faculties or departments, other than divinity, with the Provincial University, upon compliance with its statutes in that behalf. 15

Third Session, Third Parliament, 41 Vic. 1878.

# BILL.

An Act to incorporate The Western University of London, Ontario.

First Reading, 1878.

(PRIVATE BILL.)

Mr. MEREDITH.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate The Western University of  
London, Ontario.

WHEREAS The Right Reverend Isaac Hellmuth, Doctor of Divinity, and Bishop of the Diocese of Huron, the Association of the President and Alumni of Huron College and others, have, by their petition represented that they are desirous of establishing at the City of London, a College with University Powers in connection with the Church of England, in order to promote the higher scholastic training and instruction of students who may propose to enter the ministry of the said church, and also to provide further facilities for higher instruction generally in arts, science, literature, law, medicine and engineering; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. A college with university powers is hereby established at the City of London, in the Province of Ontario, and the following persons namely: The Right Reverend Isaac Hellmuth, Doctor of Divinity and Bishop of the Diocese of Huron, the Very Reverend Michael Boomer, Principal of Huron College, the Honourable Samuel Hume Blake, Vice-Chancellor, the Very Reverend H. J. Grasset, D.D., Dean of Toronto, the Venerable Archdeacon E. E. Elwood, M. A., the Venerable Archdeacon Arthur Sweatman, M. A., the Reverend Professor Halpin, M. A., *Frederick Davis, Esquire*, A. Cleghorn, Esquire, the Reverend Canon Innes, M.A., the Reverend William Logan, the Reverend J. W. P. Smith, the Reverend D. Deacon, M. A., the Reverend William Davis, the Reverend Canon Hincks, William P. R. Street, Esquire, D. McCraney, M. P. P., Lieut.-Col. J. B. Taylor, the Reverend Canon Nelles, the Reverend A. S. Falls, B. A., the Reverend A. C. Hill, M. A., the Reverend F. Harding, the Reverend W. Daunt, M. A., the Reverend R. H. Starr, M. A., *John J. Kingsmill, Esquire*, *Edward Baynes Reed, Barrister*, *Lieut.-Col. James Shanly*, *J. F. Hellmuth, LL.B.*, *John Beathe, Esquire*, and the Reverend J. Barr, and all the persons who may hereafter be appointed to be chancellor or members of the senate as hereinafter mentioned, and all the persons on whom the University hereby created may hereafter confer any degree, are hereby created one body politic and corporate by the name of "The Western University of London, Ontario," with perpetual succession and a common seal, and by that name to sue and be sued.

2. By the same name they and their successors shall be able and capable in law to take, purchase and hold to them and their successors any goods, chattels or personal property what-

Preamble.

Incorporation  
and corporate  
name.Power to hold  
lands &c.

soever, and shall also be able and capable in law, notwithstanding the Statutes of Mortmain, to take, purchase and hold to them and their successors not only all such lands, buildings, hereditaments and possessions as may be from time to time exclusively used and occupied for the immediate purposes of the said University, but also any other lands, buildings, hereditaments and premises situate within the Province of Ontario, not exceeding the annual value of ten thousand dollars, such annual value to be calculated and ascertained at the period of taking, purchasing or acquiring the same, and that they and their successors shall be able and capable in law to grant, demise, alien or otherwise dispose of all or any of the property real or personal belonging to the said University, and also to do all other matters incidental or appertaining to a body corporate.

**3.** The said corporation shall consist of a chancellor, vice-chancellor, members of the senate and graduates, and that the members of the senate shall be the Bishop of the Diocese of Huron in connection with the Church of England, or the bishops of the dioceses into which the same may at any time be divided, the Principal of Huron College for the time being, the several persons named in the first section of this Act, and ten persons who, for the time being, are the ten senior graduates of the University; and the graduates shall be the persons on whom respectively, the University created by this Act shall hereafter confer any degree—and the quorum of the senate shall consist of at least *seven* in number of its members personally present at any meetings thereof; and the senate shall elect the Chancellor and appoint one of their number to be the Vice-Chancellor of the University; and in case at any time the total number of the members constituting the senate shall be reduced to less than thirty exclusive of the Chancellor, then the remaining members of the senate, shall thereupon and as often as the same may happen, appoint other persons to be members of the senate, but not so as to exceed the said number of thirty in all.

**4.** The senate shall have the management of, and the superintendence over the affairs, concerns and property of the University, and shall have full power to invest the moneys from time to time belonging to the University for the general purposes thereof, or upon any special trust connected therewith, in the public securities of this Province or of the Dominion of Canada, or upon first mortgages of freehold lands, or in approved debentures of municipal corporations in this Province; and may make such regulations, and appoint such officers as the senate may deem expedient for all or any of said purposes.

**5.** The Lieutenant-Governor shall be the Visitor of the University, and it shall be the duty of the senate whenever called upon by him to do so, to furnish full and accurate accounts in writing, of the property of the University and the income derived therefrom in order that the same may be laid before the Provincial Legislature at any Session thereof.



6. The senate shall have full power from time to time to make and alter any by-laws and regulations (not being repugnant to any law in force in this Province or to this Act) respecting the number and appointment of professors and lecturers in the different faculties or departments of learning, also the examinations for degrees, honours and scholarships and the granting of the same, and charging of reasonable fees in that behalf, *also as to the quorum of the Senate*, also the time and mode of summoning meetings of the senate, also the appointment and duties of examiners of the University, also as to the admission of students, and the course of study in the several faculties and departments—and generally respecting all other matters for promoting the purposes of the University or for carrying into effect the intent and spirit of this Act, and all such by-laws and regulations, when reduced into writing and under the Common Seal of the University, shall be held to be binding on all persons members thereof, and upon all candidates for degrees, honours or scholarships and upon all students therein, and upon all others whom they may concern: Provided always, that it shall not be lawful for the senate to require from or impose upon any person or student any compulsory religious qualification or examination or test of a denominational character other than in the faculty of divinity; and, Provided also, that any by-law or regulation respecting the course of study and the subjects of examination for any degree, honour or scholarship in any faculty or department, other than divinity shall, in as far as circumstances will in the opinion of the senate permit, be similar to those now in force for the like purposes in the University of Toronto, to the end that the standard of qualification in the University hereby created may not be inferior to that which now prevails for a like degree or honour in the *said University*; and any by-law or regulation passed for any of purposes mentioned in this proviso shall be deposited with the Provincial Secretary within ten days after the passing thereof, to be laid before the visitor; and such by-law or regulation shall have force and effect in the meantime and until disallowance by the visitor, such disallowance being signified through the Provincial Secretary within three months after such deposit with him as aforesaid.

Powers of Senate.

No religious tests.

Proviso

7. The senate shall not confer any degree in the faculty of arts or in science or literature until such time as four professorships at least have been established in the faculty of arts, and four professors appointed thereto; and no persons shall be admitted as candidates for any degree in medicine or surgery to be conferred by the said University unless the said persons shall have completed the course of instruction which the senate by by-law or regulation in that behalf may determine in such one or more medical schools to be also mentioned in every such by-law or regulation: Provided, that every such by-law or regulation or any alteration or amendment thereof to be operative shall be required to be first approved of by the Lieutenant-Governor *in Council*.

Degrees.

Proviso

8. The said University shall have no power to confer any degree other than in divinity except after examination duly had under and in pursuance of the by-laws and regulations of the senate respecting such degree, but degrees as *ad eundem* degrees may be conferred by the senate upon the graduates of any University in Great Britain or Ireland or in the Dominion of Canada, or in any of Her Majesty's possessions.

Degrees.



Huron College  
may affiliate.

9. Huron College may at any time become affiliated to the said University so as to constitute the faculty of divinity in said University, upon such terms as the said college, under and subject to the constitution governing the same, and the said University may agree upon, and the said University may also acquire the control and management of Hellmuth College, situate in the said City of London, upon such terms as may be entered into with the proprietors thereof. 5

Affiliation.

10. Any University powers or privileges granted by this Act for conferring degrees may be withdrawn at any time when the Legislature deems it expedient to require this University to become affiliated, in the whole or in respect of any particular faculty or department, with the said University of Toronto; and the college with university powers hereby created may also on its own motion become affiliated in respect of any of its faculties or departments, other than divinity, with the said University of Toronto, upon compliance with its statutes in that behalf. 10 15

## BILL.

An Act to incorporate The Western University of Ontario.

(Reprinted as Amended.)

First Reading, 23rd January, 1878.

(PRIVATE BILL.)

MR. MEREDITH.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate The Western University of  
London, Ontario.

WHEREAS The Right Reverend Isaac Hellmuth, Doctor of Divinity, and Bishop of the Diocese of Huron, the Association of the President and Alumni of Huron College and others, have, by their petition represented that they are desirous of establishing at the City of London, a College with University Powers in connection with the Church of England, in order to promote the higher scholastic training and instruction of students who may propose to enter the ministry of the said church, and also to provide further facilities for higher instruction generally in arts, science, literature, law, medicine and engineering; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. A college with university powers is hereby established at the City of London, in the Province of Ontario, and the following persons namely: The Right Reverend Isaac Hellmuth, Doctor of Divinity and Bishop of the Diocese of Huron, the Very Reverend Michael Boomer, Principal of Huron College, the Honourable Samuel Hume Blake, Vice-Chancellor, the Very Reverend H. J. Grasset, D.D., Dean of Toronto, the Venerable Archdeacon E. E. Elwood, M. A., the Venerable Archdeacon Arthur Sweatman, M. A., the Reverend Professor Halpin, M. A., *Frederick Davis, Esquire*, A. Cleghorn, Esquire, the Reverend Canon Innes, M.A., the Reverend William Logan, the Reverend J. W. P. Smith, the Reverend D. Deacon, M. A., the Reverend William Davis, the Reverend Canon Hincks, William P. R. Street, Esquire, D. McCraney, M. P. P., Lieut.-Col. J. B. Taylor, the Reverend Canon Nelles, the Reverend A. S. Falls, B. A., the Reverend A. C. Hill, M. A., the Reverend F. Harding, the Reverend W. Daunt, M. A., the Reverend R. H. Starr, M. A., *John J. Kingsmill, Esquire, Edmund Baynes Reed, Barrister, Lieut.-Col. James Shanly, J. F. Hellmuth, LL.B., John Beattie, Esquire, and the Reverend J. Barr*, and all the persons who may hereafter be appointed to be chancellor or members of the senate as hereinafter mentioned, and all the persons on whom the University hereby created may hereafter confer any degree, are hereby created one body politic and corporate by the name of "The Western University of London, Ontario," with perpetual succession and a common seal, and by that name to sue and be sued.

Incorporation  
and corporate  
name.

2. By the same name they and their successors shall be able and capable in law to take, purchase and hold to them and their successors any goods, chattels or personal property what-

Power to hold  
lands &c.

Annual value  
\$10,000.

soever, and shall also be able and capable in law, notwithstanding the Statutes of Mortmain, to take, purchase and hold to them and their successors not only all such lands, buildings, hereditaments and possessions as may be from time to time exclusively used and occupied for the immediate purposes of the said University, but also any other lands, buildings, hereditaments and premises situate within the Province of Ontario, not exceeding the annual value of ten thousand dollars, such annual value to be calculated and ascertained at the period of taking, purchasing or acquiring the same, and that they and their successors shall be able and capable in law to grant, demise, alien or otherwise dispose of all or any of the property real or personal belonging to the said University, and also to do all other matters incidental or appertaining to a body corporate.

Corporation  
how composed.

3. The said corporation shall consist of a chancellor, vice-chancellor, members of the senate and graduates, and that the members of the senate shall be the Bishop of the Diocese of Huron in connection with the Church of England, or the bishops of the dioceses into which the same may at any time be divided, the Principal of Huron College for the time being, the several persons named in the first section of this Act, and ten persons who, for the time being, are the ten senior graduates of the University; and the graduates shall be the persons on whom respectively, the University created by this Act shall hereafter confer any degree—and the quorum of the senate shall consist of at least *seven* in number of its members personally present at any meetings thereof; and the senate shall elect the Chancellor and appoint one of their number to be the Vice-Chancellor of the University; and in case at any time the total number of the members constituting the senate shall be reduced to less than thirty exclusive of the Chancellor, then the remaining members of the senate, shall thereupon and as often as the same may happen, appoint other persons to be members of the senate, but not so as to exceed the said number of thirty in all.

Graduates.

Senate.

Powers of  
Senate.

4. The senate shall have the management of, and the superintendence over the affairs, concerns and property of the University, and shall have full power to invest the moneys from time to time belonging to the University for the general purposes thereof, or upon any special trust connected therewith, in the public securities of this Province or of the Dominion of Canada, or upon first mortgages of freehold lands, or in approved debentures of municipal corporations in this Province; and may make such regulations, and appoint such officers as the senate may deem expedient for all or any of said purposes.

Lieut-Governor  
to be  
visitor.

5. The Lieutenant-Governor shall be the Visitor of the University, and it shall be the duty of the senate whenever called upon by him to do so, to furnish full and accurate accounts in writing, of the property of the University and the income derived therefrom in order that the same may be laid before the Provincial Legislature at any Session thereof.



6. The senate shall have full power from time to time to make and alter any by-laws and regulations (not being repugnant to any law in force in this Province or to this Act) respecting the number and appointment of professors and lecturers in the different faculties or departments of learning, also the examinations for degrees, honours and scholarships and the granting of the same, and charging of reasonable fees in that behalf, *also as to the quorum of the Senate*, also the time and mode of summoning meetings of the senate, also the appointment and duties of examiners of the University, also as to the admission of students, and the course of study in the several faculties and departments—and generally respecting all other matters for promoting the purposes of the University or for carrying into effect the intent and spirit of this Act, and all such by-laws and regulations, when reduced into writing and under the Common Seal of the University, shall be held to be binding on all persons members thereof, and upon all candidates for degrees, honours or scholarships and upon all students therein, and upon all others whom they may concern: Provided always, that it shall not be lawful for the senate to require from or impose upon any person or student any compulsory religious qualification or examination or test of a denominational character other than in the faculty of divinity; and, Provided also, that any by-law or regulation respecting the course of study and the subjects of examination for any degree, honour or scholarship in any faculty or department, other than divinity shall, in as far as circumstances will in the opinion of the senate permit, be similar to those now in force for the like purposes in the University of Toronto, to the end that the standard of qualification in the University hereby created may not be inferior to that which now prevails for a like degree or honour in the *said University*; and any by-law or regulation passed for any of purposes mentioned in this proviso shall be deposited with the Provincial Secretary within ten days after the passing thereof, to be laid before the visitor; and such by-law or regulation shall have force and effect in the meantime and until disallowance by the visitor, such disallowance being signified through the Provincial Secretary within three months after such deposit with him as aforesaid.

Powers of Senate.

No religious tests.

Proviso

7. The senate shall not confer any degree in the faculty of arts or in science or literature until such time as four professorships at least have been established in the faculty of arts, and four professors appointed to discharge the respective duties thereof, and until this has been made to appear to the satisfaction of the Lieutenant-Governor in Council; and no persons shall be admitted as candidates for any degree in medicine or surgery to be conferred by the said University unless the said persons shall have completed the course of instruction which the senate by by-law or regulation in that behalf may determine in such one or more medical schools to be also mentioned in every such by-law or regulation: Provided, that every such by-law or regulation or any alteration or amendment thereof to be operative shall be required to be first approved of by the Lieutenant-Governor in Council.

Degrees

Provided

8. The said University shall have no power to confer any degree other than in divinity except after examination duly

Degrees.



had under and in pursuance of the by-laws and regulations of the senate respecting such degree, but degrees as *ad eundem* degrees may be conferred by the senate upon the graduates of any University in Great Britain or Ireland or in the Dominion of Canada, or in any of Her Majesty's possessions. 5

**Huron College may affiliate.** 9. Huron College may at any time become affiliated to the said University so as to constitute the faculty of divinity in said University, upon such terms as the said college, under and subject to the constitution governing the same, and the said University may agree upon, and the said University may also acquire the control and management of Hellmuth College situate in the said City of London, upon such terms as may be entered into with the proprietors thereof. 10

**Affiliation.** 10. Any University powers or privileges granted by this Act for conferring degrees shall not be exercised until it has been made to appear to the satisfaction of the Lieutenant-Governor in Council that the sum of one hundred thousand dollars, at the least, has been raised in property, securities or money, and is held for the purposes of the said University, including Huron College, when affiliated thereto, and also, may be withdrawn at any time when the Legislature deems it expedient to require this University to become affiliated, in the whole or in respect of any particular faculty or department, with the said University of Toronto; and the college with university powers hereby created may also on its own motion become affiliated in respect of any of its faculties or departments, other than divinity, with the said University of Toronto, upon compliance with its statutes in that behalf. 15 20 25

Third Session, Third Parliament, 41 Vic., 1878.

No. 22.

BILL.

An Act to incorporate the Western University of Ontario.

(Reprinted as Amended.)

First Reading, 23rd January, 1878.  
Second " 11th February, 1878.

(PRIVATE BILL.)

Mr. MEREDITH.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act relating to the Hamilton and North-Western  
Railway Company.

WHEREAS the Hamilton and North-Western Railway Preamble.

Company have, under the provisions of the Act passed in the thirty-ninth year of Her Majesty's reign, chaptered seventy-two, issued bonds of the said company to the amount  
5 of one million and one hundred and five thousand dollars, in respect of the portion of their railway from Jarvis to Georgetown; and, whereas the company have also constructed the portions of their railway from Jarvis to Port Dover and from  
10 Georgetown to Barrie respectively, and their Collingwood branch from its junction with the main line to Glencairn, being in addition to the portion from Jarvis to Georgetown, about  
miles of railway, and are entitled to issue, in respect of  
such miles, bonds to the amount of  
dollars, being at the rate of seventeen thousand  
15 dollars per mile, authorized by such last mentioned Act, and have issued a part of such bonds, which are now held by contractors and others, and the said company have made application for the rearrangement of their bond debt and of their capital stock, and for the issue of new bonds of one class or of  
20 several classes and for the issue of debenture stock, and for other purposes, and whereas it is expedient to grant the said application;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts  
25 as follows:

1. In lieu of the power to issue bonds heretofore possessed  
by the said company, under which such bonds have been or  
might have been issued, and for the purpose of redeeming, or  
replacing the bonds so issued, or which might have been issued  
30 as aforesaid, it shall be lawful for the directors of the said company to issue bonds of the said company to the amount of

Power to issue  
bonds to the  
amount of \$

dollars, bearing interest at a rate not exceeding six per cent.  
per annum, in respect of the portions of their railway in the  
preamble mentioned, being from Port Dover to Barrie, and from  
35 the junction with the main line to Glencairn on the Collingwood branch; and such bonds to the amount aforesaid may be issued forthwith, without the sanction of the shareholders or any other requisite beyond a by-law of the directors, which they are hereby authorized to pass, and shall be used and applied  
40 in the first place for the purpose of redemption of, or substitution for, the bonds of said company so heretofore issued or issuable as aforesaid, and then towards the purposes of the said company generally; and such bonds shall, without requi-

sition or formal conveyance be, and be taken and considered to be, the first and preferential claims and charge upon that part of the undertaking and those portions of the line of railway of the said company, in this section mentioned, and upon all the lands and tenements of the said company which now are or henceforth may be used, occupied and enjoyed in connection with such portions, or in or about the working thereof, and upon all the personal property of the said company existing at the time of their issue and at any time thereafter acquired, wherever such personal property may be, or be used; and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof upon all portions of the said railway, and the lands and tenements in this section mentioned, as well as upon all such personal property of the company as aforesaid; and the directors may, by such by-laws, fix and define the amount and denomination of such bonds, the rate of interest thereon, the time and times, the place or places, for payment of the principal money thereof and the interest thereon and all other particulars in reference thereto: Provided, however, that in the event at any time, of the interest of the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company all holders of such bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders, provided the bonds and any transfers thereof, shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register such bonds, or any of them, at any time being required to do so by any holder thereof.

To be first mortgage bonds.

2. The bonds authorized to be issued under the last preceding section shall on their face be declared to be first mortgage bonds, issued under the provisions of such section, and such bonds are hereby declared to be, and at all times hereafter shall continue to be, a first and preferred claim and charge upon so much of the undertaking, line of railway and property of the company as is mentioned in such sections, in priority to other bonds or debenture stock, which the said company are by this Act authorized to issue, or which they may at any time hereafter be authorized to issue.

Power to further issue bonds to the amount of \$

3. It further shall, and may be, lawful for the directors of said company to issue bonds of the said company to the amount of \_\_\_\_\_ dollars, bearing interest at a rate not to exceed six per cent. per annum, in respect of the portions of their railway, in the first section mentioned, and such bonds to the amount aforesaid may be issued forthwith, without the sanction of the shareholders or any other requisite beyond a by-law of the directors, which they are hereby authorized to pass, and by which they may fix and define the amount or denomination of such bonds, the rate of interest, the time or times, and the place or places for the payment of the principal moneys thereof and of the interest thereon, and all other particulars in reference thereto, provided always that the time fixed for payment of the principal money of such bonds shall not be at an earlier date than the time for payment of the principal money of the bonds authorized to be issued by the first section; and the bonds by this section au-



thorized to be issued, shall be used and applied in the first place, so far as may be necessary for the purpose of redemption of the bonds of the company so heretofore issued and then for the purposes of the said company generally; and  
 5 such bonds shall, without requisition or formal conveyance be, and be taken and considered to be, a claim or charge upon the undertaking and property of the said company, real and personal, existing at the time of their issue, and at any time thereafter acquired, next after and subject only to the claim  
 10 and charge of the bonds authorized to be issued under the first section and the fourth section of this Act respectively, or to the debenture which may be issued under the fifth section of this Act.

4. It further shall and may be lawful for the directors of  
 15 the said company to issue bonds of the said company for the purpose of raising money for prosecuting the said undertaking beyond the points to which it is at present constructed, in respect of the portions of their line of railway which may hereafter be constructed to the north of Barrie and Glencairn,  
 20 and such bonds shall, without registration or formal conveyance be, and considered to be, the first and preferential claim and charge upon that part of the undertaking and those portions of the line of railway of the said company which may hereafter be constructed to the north of Barrie and Glencairn,  
 25 and upon all the lands and tenements of the said company to the north of those places which may be used, occupied or enjoyed in connection with such portions, or in or about the working thereof, and shall also be a claim and charge next after and subject only to the bonds, by the first section authorized  
 30 to be issued upon all the undertaking, and real and personal property of the said company existing at the time of their issue, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof:  
 35 Provided, however, that no bonds shall be issued under the provisions of the section until after the sanction of the shareholders shall have been first obtained at any annual general meeting of the company, or at any special general meeting, to be called from time to time for such purpose, and the company  
 40 may at such meeting, by by-law, define the amount or denomination of such bonds, the time or times, the place or places for payment of the principal money thereof, and of the interest thereon, not exceeding six per centum per annum, and all other particulars in reference thereto, but the time for payment of  
 45 the principal money of such bonds shall not be at an earlier date than the time for payment of the principal money of the bonds authorized to be issued by the first section of this Act: And provided further that the whole amount of the issue of such bonds shall not exceed in all the sum of  
 50 dollars per mile, and the amount of the bonds issued at any one time shall not be in excess of the amount actually expended in surveys, purchase of right of way, and works of equipment and construction upon the portion of the line of the said railway in this section mentioned,  
 55 or of material actually purchased, paid for, and delivered to the company within the Dominion of Canada, and certified by the chief engineer of the company.

Further power  
to issue bonds.

Proviso.

Limit to issue.



In case of agreement with other company permanent bonds may issue.

5. In case the said company shall enter into any arrangement or lease with any other railway company, or companies, for the leasing or working of their railway, or of any portion or portions thereof, under the powers in that behalf possessed by the company the directors may issue permanent bonds or permanent debenture stock of the said company, or bonds or debenture stock of the said company, payable at the time of the expiration of such lease or arrangement to such an amount and bearing interest at such a rate that the amount of annual interest on the whole of such issue shall not exceed the total annual rental to be paid or payable under such lease or arrangement; and such bonds or debenture stock may be issued forthwith, upon any such lease or arrangement being entered into without the sanction of the shareholders or any other requisite beyond a by-law of the directors, which they are hereby authorized to pass, and by which they may fix and define the amount or denomination of such bonds or stock, the time or times, the place or places for payment of the principal money thereof, and of the interest thereon, and all other particulars in reference thereto: and such bonds or debenture stock shall be used, and applied for the same purposes as the bonds by the first section authorized to be issued; and such bonds or debenture stock shall, without registration or formal conveyance be, and be taken and considered to be, a first and preferential claim and charge upon the rent, or money in the nature of rent, or any other moneys which may be payable to the said company under any such lease or arrangement for securing the payment of the interest on such bonds or debenture stock, during the term of such lease, or any arrangement during the currency of such bonds or debenture stock; and from and after the expiration or determination of such lease or arrangement, such bonds or debenture stock shall, without formal conveyance or registration be, and be taken and considered to be, first and preferential claims and charges upon the undertaking and property, real and personal of the company then existing and at any time thereafter acquired, and each holder of the said bonds or stock shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof, upon the undertaking and the property of the company aforesaid: Provided always that the powers as to the issue of bonds or debenture stock, by this and the first section conferred, shall not be exercised in the event of those conferred under the other such sections not having been exercised: And provided, further, that if the powers conferred by this section shall have been exercised, then the powers conferred by section three, for the issue of second mortgage bonds, in respect of the line yet to be constructed shall not be exercised.

Proviso.

38 Vic. cap. 48 sec. 4 to apply to bonds and debenture stock.

7. The provisions of the fourth section of the Act passed in the thirty-eighth year of Her Majesty's reign, chaptered forty-eight, shall apply to the bonds and debenture stock authorized to be issued under the provisions of this Act.

Provision as to former subscriber at a discount.

8. Whereas the directors of the said company did allow a discount to certain of the subscribers for stock in the said company and did accept from such subscribers fifteen per cent. on the amount subscribed by them respectively, in full of such respective amounts, and did issue to such respective subscribers scrip for the full amount of their stock, and it is expedient

that the amount of stock on which such discount was allowed should be reduced to the actual amount paid thereon: James Turner, John Stuart, the executors of the last will and testament of John Young, Simpson Stuart and Company, 5 McInnes Brothers and Company, Sandford, Vail and Bickley respectively, to whom respectively such discount was allowed on stock to the amount of two thousand dollars, subscribed by them respectively in the said company, shall, in respect of such stock be holders to the amount of 10 three hundred dollars only respectively; and that to John Proctor, William Hendrie, Matthew Legget, the executors of the last will and testament of the late John Field, Thomas Saunders, Philo W. Dayfoot, and Dennis Moore and Company respectively such discount was allowed on stock, to the amount of one 15 thousand dollars, subscribed by them respectively in the said company, shall, in respect of such stock be holders to the amount of one hundred and fifty dollars respectively, and that John Brown, the administrator of the estate and effects of the late Simon Plewes, and Maitland Young respectively, to 20 whom, respectively, such discount was allowed on stock to the amount of five hundred dollars, subscribed by them respectively in the said company, shall, in respect of such stock, be holders to the amount of fifty dollars respectively, and that all of the respective persons in this section mentioned be, and 25 they are hereby discharged from all liability whatsoever for or in the amount of stock so subscribed for by them, or by the persons whose personal representatives they are respectively and on which such discount was allowed.

9. The time for completion of the lines of railway, which 30 the said company is hereby authorized to construct, is hereby extended for three years from the expiration of the time heretofore limited therefor. Limit of time for construction extended.

Third Session, Third Parliament, 41 Vic. 1878.

BILL.

An Act relating to the Hamilton and North-  
Western Railway Company.

First Reading,	1878.
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(PRIVATE BILL.)

Mr. WILLIAMS.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act relating to the Hamilton and North-Western  
Railway Company.

WHEREAS the Hamilton and North-Western Railway Company have, under the provisions of the Act passed in the thirty-ninth year of Her Majesty's reign, chaptered seventy-two, issued bonds of the said company to the amount of one million and one hundred and five thousand dollars, in respect of the portion of their railway from Jarvis to Georgetown; and, whereas the company have also constructed the portions of their railway from Jarvis to Port Dover and from Georgetown to Barrie respectively, and their Collingwood section to Glencairn, *and are about to construct such section to Collingwood*, being in addition to the portion from Jarvis to Georgetown, about one hundred and ten miles of railway, and are entitled to issue, in respect of such one hundred and ten miles, bonds to the amount of *one million eight hundred and seventy thousand* dollars, being at the rate of seventeen thousand dollars per mile, authorized by such last mentioned Act, and have issued a part of such bonds, *and the whole of such bonds are disposed of under the contract for construction of the railway, and those which are issued* are now held by contractors and others, and the said company have *with the approval of such holders*, made application for the rearrangement of their bond debt and of their capital stock, and for the issue of new bonds of one class or of several classes or for the issue of debenture stock, and for other purposes, and whereas it is expedient to grant the said application ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. In lieu of the power to issue bonds heretofore possessed by the said company, under which such bonds have been or might be issued, and for the purpose of redeeming, or replacing the bonds so issued, or which might be issued as aforesaid, it shall be lawful for the directors of the said company to issue bonds of the said company to the amount of *five hundred and fifty thousand pounds sterling money of Great Britain*, bearing interest at six per cent. per annum, *or to issue debenture stock of the said Company to the amount hereinafter mentioned*, in respect of the portions of their railway in the preamble mentioned, being from Port Dover to *Bayfield Street*, in the Town of Barrie, and to Collingwood; and such bonds to the amount aforesaid may be issued forthwith, without the sanction of the shareholders or any other requisite beyond a by-law of the directors, which they are hereby authorized to pass, or such debenture stock may be issued after the sanction of

Power to issue  
bonds to the  
amount of \$



the shareholders shall have been first obtained at any annual general meeting, or at any special general meeting, to be called for such purpose, and such bonds or debenture stock as the case may be ~~shall~~ shall be used and applied in the first place for the purpose of redemption of, or substitution for, the bonds of <sup>5</sup> said company so heretofore issued or issuable as aforesaid, *in manner hereinafter provided*, and then towards the purposes of the said company generally; and such ~~bonds or debenture stock~~ shall, without registration or formal conveyance be, and be taken and considered to be, the first and preferential <sup>10</sup> claim and charge upon the undertaking and *real property of the company comprised within* those portions of the line of railway of the said company, in this section mentioned, and upon all the lands and tenements *belonging to* the said company which now are or henceforth may be used, occupied and enjoyed in connection <sup>15</sup> with such portions, or in or about the working thereof, and also upon all the personal property of the said company existing at the time of their issue and at any time thereafter acquired, wherever such personal property may be, or be used; and each holder of the said bonds *or debenture stock* shall be deemed to be a <sup>20</sup> mortgagee and encumbrancer *pro rata* with all the other holders thereof upon all the portions of the said railway, and the lands and tenements in this section mentioned, as well as upon all such personal property of the company as aforesaid; and the directors may, by such by-laws, fix and define the amount <sup>25</sup> and denomination of such bonds *or debenture stock*, the rate of interest thereon, the time *or* times, the place or places, for payment of the principal money thereof and the interest thereon and all other particulars in reference thereto: Provided, however, that in the event at any time, of the interest of the <sup>30</sup> said bonds remaining unpaid and owing, then at the next ensuing general annual meeting *or any special general meeting* of the said company all holders of such bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders, provided the bonds and any transfers thereof, shall have been <sup>35</sup> first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register such bonds, or any of them, at any time on being required to do so by any holder thereof: <sup>40</sup> ~~Provided~~ Provided further that if the directors shall decide to issue debenture stock, which they are hereby authorized to do, then they may make such stock either perpetual or terminable, at such time as they may by by-law appoint, and that the whole amount of such debenture stock shall not exceed six hun- <sup>45</sup> dred and sixty thousand pounds sterling, nor be less than five hundred and fifty pounds sterling and the total amount of the annual interest thereon shall not exceed thirty-three thousand pounds sterling, and the rate of such interest shall not be less than five per cent per annum: Provided further <sup>50</sup> that the holders of debenture stock shall have and possess the same rights and privileges and qualifications for directors, and for voting as are attached or belong to shareholders, but shall not be entitled to receive any dividend upon such debenture stock beyond the interest, which may be stipulated for in <sup>55</sup> the scrip issued for such stock: Provided further that if bonds be issued under the first and third sections of this Act, sixty-five thousand pounds sterling of the first mortgage bonds, and eight thousand five hundred pounds sterling of the second


mortgage bonds, shall be reserved for the completion of the Collingwood section; and that if such debenture stock be issued then stock to an amount bearing the annual interest of four thousand pounds sterling shall be reserved for the completion of such section, and such bonds or debenture stock, as the case may be, shall only be issued and paid out by the Company to the contractors *pro rata* as the work of construction upon that section shall be proceeded with, and upon the certificate of the Company's engineer to be from time to time granted in terms of the contract.


2. The bonds or debenture stock which may be issued under the last preceding section shall on their face be declared to be first mortgage bonds or debenture stock (as the case may be) issued under the provisions of such section, and such bonds or debenture stock (as the case may be) are hereby declared to be, and at all times hereafter shall continue to be, a first and preferential claim and charge upon so much of the undertaking, line of railway and property of the company as is mentioned in such section, in priority to any other bonds or debenture stock, which the said company are by this Act authorized to issue, or which they may at any time hereafter be authorized to issue.

3. Further, in lieu of the power to issue bonds so heretofore possessed by the said Company, it shall, and may be, lawful for the directors of said company to issue bonds of the said company to the amount of seventy thousand pounds sterling, bearing interest at a rate not to exceed six per cent. per annum, in respect of the portions of their railway, in the first section mentioned, and such bonds to the amount aforesaid may be issued forthwith, without the sanction of the shareholders or any other requisite beyond a by-law of the directors, which they are hereby authorized to pass, and by which they may fix and define the amount or denomination of such bonds, the rate of interest, the time or times, and the place or places for the payment of the principal moneys thereof and of the interest thereon, and all other particulars in reference thereto, provided always that the time fixed for payment of the principal money of such bonds shall not be at an earlier date than the time for payment of the principal money of the bonds authorized to be issued by the first section; and the bonds by this section authorized to be issued, shall be used and applied in the first place, so far as may be necessary in substitution for the bonds of the company so heretofore issued or issuable as aforesaid in manner hereinafter provided, and any part thereof which may not be so required or used may be applied for the purposes of the said company generally; and such bonds shall, without registration or formal conveyance be, and be taken and considered to be, a claim or charge upon the real property of the company comprised within the undertaking and those portions of the line of the railway of the said company and upon the real and personal property of the said company upon which the bonds authorized to be issued by the first section hereof are by such section declared to be the first and preferential claim and charge, but next after and subject only to the claim and charge of the bonds authorized to be issued under the first section of this Act: Provided always, that if debenture stock be issued under the provisions of the first sec-

To be first mortgage bonds.

Power to further issue bonds to the amount of £70,000.

tion, then the mortgage bonds authorized by this section shall not be issued. 

 4. The bonds authorized to be issued under the first and third sections hereof, if the company shall decide upon the issue of bonds, or the debenture stock, hereinbefore authorised, if the company shall decide to issue such stock, shall be issued within one year from the passing of this Act and upon such bonds or stock as the case may be being issued, notice thereof shall be published in one issue of the *Ontario Gazette*, and in six successive issues of a daily newspaper published at the City of Hamilton, and on such bonds or debenture stock being so issued and such notice published, the same shall be dealt with as follows:

Firstly, First mortgage bonds authorized under section one to the amount of Fifteen thousand pounds sterling, if such bonds be issued, or if debenture stock be issued, then such stock to an amount yielding interest to the amount of nine hundred pounds sterling per annum shall be delivered to the persons or corporations who are or may be the holders of the bonds of the said railway company, or of the Hamilton and Lake Erie Railway Company heretofore issued in respect of the bonded or judgment debt of the Hamilton and Port Dover Railway Company, and the same shall be taken and received by such holders in proportion to the amount of such bonds held by them respectively, and in extinguishment of any lien or charge which the holders of such bonds or any of them may now have upon any property of the said Company or any property heretofore acquired for or belonging to the Hamilton and Port Dover Railway Company, and all such property shall from and after the issue and delivery of such bonds or debenture stock, as the case may be, become and be vested in the said railway company without any formal conveyance thereof, and interest on such bonds or debenture stock at the rate of nine hundred pounds sterling per annum shall be paid from the first day of January, in the year one thousand eight hundred and seventy-eight, and if the company under the proviso hereinafter contained, do not exercise the power given by this Act for the issue of bonds or debenture stock, the holders of the bonds in this clause mentioned shall be entitled and bound to receive bonds of the company as now authorised to be issued to the amount of fifteen thousand pounds sterling, and bearing interest from the first day of January, in the year one thousand eight hundred and seventy-eight, on the same terms as the bonds of that amount, or the debenture stock hereinafter in this clause mentioned:

Secondly, The contractor shall be entitled to receive the residue of such bonds or debenture stock, subject to the terms of their contract with the company, and also subject to the proviso to the first section as to the amount of bonds or stock to be reserved for the completion of the Collingwood section, and subject to the rights of any persons or corporations holding existing bonds as collateral security, but any such persons or corporations shall be entitled and bound to receive in substitution for the bonds they may hold, bonds authorized to be issued by section one of a like amount, and bearing interest from the same date as the bonds they may hold; or if debenture stock be issued, then such stock to such an amount as will



yield the same amount of annual interest as the bonds to be given up therefor :

And it is hereby declared that from and after the issue of the bonds or debenture stock authorized to be issued under the first and third sections of this Act, and notice thereof published as aforesaid, no action, suit, or other proceeding shall be maintained by or on behalf of any holder of any bond heretofore issued or to be issued by the said company, or of any coupon to any such bond, and it shall be a sufficient defence and absolute bar to any action, suit or proceeding on any such bond, to state that the bonds or debenture stock hereinbefore authorized had been issued, and notice thereof given as aforesaid : Provided always that the bonds of the said company heretofore authorized to be issued shall be and remain in full force and effect until such new bonds or debenture stock authorized by this Act shall be issued, and notice of such issue published as aforesaid ; provided further, that the directors may within said period of one year, pass a by-law declaring that the powers to issue bonds and debenture stock authorized by this Act shall not be exercised ; and upon such by-law being passed and notice thereof published in two consecutive issues of the *Ontario Gazette*, the powers of the said company as to the issue of bonds shall be as if this Act had not been passed.

5. It further shall and may be lawful for the directors of the said company to issue bonds of the said company for the purpose of raising money for prosecuting the said undertaking beyond *Bayfield Street in the Town of Barrie*, in respect of the portions of their line of railway which may hereafter be constructed to the north of *or beyond that point*, and such bonds shall, without registration or formal conveyance be, and be taken, and considered to be, the first and preferential claim and charge upon that part of the undertaking and those portions of the line of railway of the said company which may hereafter be constructed to the north of *or beyond Bayfield Street in the Town of Barrie*, and upon all the lands and tenements of the said company to the north of *or beyond such street* which may be used, occupied or enjoyed in connection with such portion, or in or about the working thereof ; and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof ; Provided, however, that no bonds shall be issued under the provisions of this section until after the sanction of the shareholders shall have been first obtained at any annual general meeting of the company, or at any special general meeting, to be called from time to time for such purpose, and the company may at such meeting, by by-law, define the amount or denomination of such bonds, the time or times, the place or places for payment of the principal money thereof, and of the interest thereon, not exceeding six per centum per annum, and all other particulars in reference thereto, but the time for payment of the principal money of such bonds shall not be at an earlier date than the time for payment of the principal money of the bonds authorized to be issued by the first section of this Act : And provided further that the whole amount of the issue of such bonds shall not exceed in all the sum of *three thousand pounds sterling* per mile, and that the amount of the bonds issued at any one time shall not be in excess of the amount actually expended in surveys, purchase of right of

Further power to issue bonds.

Proviso.

Limit to issue.



way, and works of equipment and construction upon the portion of the line of the said railway in this section mentioned, or of material actually purchased, paid for, and delivered to the company within the Dominion of Canada, and certified by the chief engineer of the company. 5

8 Vic, cap. 48  
3sec.4to apply  
to bonds and  
debenture  
stock.

6. The provisions of the fourth section of the Act passed in the thirty-eighth year of Her Majesty's reign, chaptered forty-eight, shall apply to the bonds and debenture stock authorized to be issued under the provisions of this Act.

This Act not  
to affect muni-  
cipal by-laws  
granting aid to  
company.

7. It is hereby provided and declared that nothing in this Act contained shall prejudice or affect the stipulations or conditions of any by-law passed by any municipality in aid of the said company. 10

Limit of time  
for construc-  
tion extended.

8. The time for completion of the lines of railway, which the said company is authorized to construct, is hereby extended for three years from the expiration of the time heretofore limited therefor, except only as to the completion of the section to Collingwood, which must be finished within the time and in the manner already provided. 15

## BILL.

An Act relating to the Hamilton and North-Western Railway Company.

(Reprinted as Amended.)

First Reading, 23rd January, 1878.

(PRIVATE BILL.)

MR. WILLIAMS.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

## An Act to Consolidate the Debt of Brockville.

WHEREAS the Corporation of the Town of Brockville, by their petition, have represented that they have incurred debts and liabilities exceeding the sum of nineteen thousand dollars, and have prayed that the said debt may be consolidated, and that they may be authorised to issue debentures for that purpose ; and whereas it is expedient to grant the said prayer, and in order to provide against any loss on the said consolidation, it is expedient to enable the said corporation to issue such debentures for a sum not exceeding twenty thousand dollars ;

Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The said corporation may issue debentures under the corporation seal, signed by the mayor and countersigned by the treasurer of the corporation for the time being, for such sums not exceeding twenty thousand dollars in the whole, as the municipal council of the said town may direct ; and the principal sum secured by the said debentures, and the interest accruing thereon may be made payable either in this Province or in Great Britain or elsewhere as the municipal council may deem expedient.

Debentures may issue not exceeding \$20,000.

2. The said corporation may raise by way of loan upon the credit of the said debentures from any person or persons, body or bodies corporate, either in this Province, in Great Britain, or elsewhere, who may be willing to lend the same, a sum of money not exceeding twenty thousand dollars of lawful money of Canada.

Loan on "debentures."

3. The treasurer of the corporation shall, on receiving instructions so to do from the municipal council, call in any of the outstanding liabilities, specially provided for by this Act, and shall discharge the same with the funds raised under this Act, or may substitute these for the said debentures, or any of them authorized to be issued by this Act, as may be agreed upon between the corporation and the creditors of or claimants upon the corporation.

Discharge of outstanding liabilities.

4. The funds derived from the negotiation of the said debentures shall be applied by the municipal council to the payment of the said outstanding liabilities, and to and for no other purpose whatever.

Disposal of funds.

Special rate  
for payment of  
debentures.

5. For payment of the debentures to be issued under this Act, the municipal council shall impose a special rate per annum (over and above and in addition to all other rates to be levied in each year), which shall be sufficient to pay the interest to be paid on the said debentures, and to form a sinking fund of two per centum per annum, for the purpose of paying the principal thereof. 5

Investment of  
sinking fund.

6. The municipal council shall, and it shall be the duty of the treasurer to invest from time to time all moneys raised by special rate for the sinking fund provided in this Act, either in redemption of any of the debentures hereby authorised to be issued, or in any debentures or stock issued by the Dominion of Canada, or in any chartered bank of the Dominion of Canada, that the council may from time to time approve, or in such other securities as the Lieutenant-Governor of this Province may by Order in Council direct. 10 15

No further  
debt to be in-  
curred.

7. It shall not be lawful for the said corporation to incur any further debt or liability than is provided for in this Act, except the yearly current expenses to be paid for out of the annual assessment, and any such contract or undertaking for increasing the debt or liability of the said corporation contrary to this Act shall be utterly null and void. 20

Debentures  
and interest,  
how payable.

8. The debentures to be signed as aforesaid shall be payable in not more than twenty years from the date hereof as the said municipal council may direct, and the interest thereon at such rate, not exceeding six per centum per annum, as the said municipal council shall determine, shall be payable half yearly according to the coupons attached thereto. 25

Irregularities  
not to invali-  
date.

9. No irregularity in the form either of the said debentures, or of any by-law authorising the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof. 30

Assent of elec-  
tors not re-  
quired.

10. It shall not be necessary to obtain the assent of the electors of the said town to the passing of any by-law under this Act, or to observe the formalities in relation thereto, prescribed by "An Act respecting Municipal Institutions in the Province of Ontario," or any Act amending the same. 35

Debentures  
may be pay-  
able in sterl-  
ing.

11. The same debentures and coupons may be made payable in sterling money if the municipal council shall so direct. 40





BILL,

An Act to Consolidate the Debt of Brockville.

First Reading,	1878.
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(*PRIVATE BILL.*)

Mr. COLE.

## An Act to Consolidate the Debt of Brockville.

**W**HEREAS the Corporation of the Town of Brockville, by Preamble.  
their petition, have represented that they have incurred  
debts and liabilities *to an amount between twenty-three and*  
*twenty-four thousand* dollars, and have prayed that the said  
5 debt may be consolidated, and that they may be authorised to  
issue debentures for that purpose; and whereas it is expedient  
to grant the said prayer, and in order to provide against any  
loss on the said consolidation, it is expedient to enable the said  
corporation to issue such debentures for a sum not exceeding  
10 twenty-five thousand dollars;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. The said corporation may issue debentures under the Debentures  
may issue not  
exceeding  
\$20,000.  
15 corporation seal, signed by the mayor and countersigned by  
the treasurer of the corporation for the time being, for such  
sums not exceeding twenty-five thousand dollars in the whole,  
as the municipal council of the said town may direct; and the  
principal sum secured by the said debentures, and the interest  
20 accruing thereon may be made payable either in this Province  
or in Great Britain or elsewhere as the municipal council may  
deem expedient.

2. The said corporation may raise by way of loan upon the Loan on de-  
bentures.  
25 credit of the said debentures from any person or persons, body  
or bodies corporate, either in this Province, in Great Britain,  
or elsewhere, who may be willing to lend the same, a sum of  
money not exceeding twenty-five thousand dollars of lawful  
money of Canada.

3. The treasurer of the corporation shall, on receiving in- Discharge of  
outstanding  
liabilities.  
30 structions so to do from the municipal council, *from time to*  
*time with the consent of the holders* call in any of the outstand-  
ing liabilities, specially provided for by this Act, and shall  
discharge the same with the funds raised under this Act, or  
may substitute these for the said debentures, or any of them  
35 authorized to be issued by this Act, as may be agreed upon  
between the corporation and the creditors of or claimants upon  
the corporation.

4. The funds derived from the negotiation of the said debentures shall be applied by the municipal council to the payment Disposal of  
funds.  
40 of the said outstanding liabilities, and to and for no other pur-  
pose whatever.

Special rate  
for payment of  
debentures.

5. For payment of the debentures to be issued under this Act, the municipal council shall impose a special rate per annum (over and above and in addition to all other rates to be levied in each year), which shall be sufficient to pay the interest to be paid on the said debentures, and to form a sinking fund of two per centum per annum, for the purpose of paying the principal thereof. 5

Investment of  
sinking fund.

6. The municipal council shall, and it shall be the duty of the treasurer to invest from time to time all moneys raised by special rate for the sinking fund provided in this Act, either in redemption of any of the debentures hereby authorised to be issued, or in any debentures or stock issued by the Dominion of Canada, or in such other securities as the Lieutenant-Governor of this Province may by Order in Council direct, or *may deposit the same* in any chartered bank of the Dominion of Canada, that the council may from time to time approve. 10 15

Debentures  
and interest,  
how payable.

7. The debentures to be signed as aforesaid shall be payable in not more than twenty years from the date thereof as the said municipal council may direct, and the interest thereon at such rate, not exceeding six per centum per annum, as the said municipal council shall determine, shall be payable half yearly according to the coupons attached thereto. 20

Irregularities  
not to invali-  
date.

8. No irregularity in the form either of the said debentures, or of any by-law authorising the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof. 25

Assent of elec-  
tors not re-  
quired.

9. It shall not be necessary to obtain the assent of the electors of the said town to the passing of any by-law under this Act, or to observe the formalities in relation thereto, prescribed by "*The Municipal Act*." 30

Debentures  
may be pay-  
able in sterl-  
ing.

10. The *said* debentures and coupons may be made payable *either* in sterling money *or currency* as the municipal council shall direct. 35





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Third Session, Third Parliament, 41 Vic. 1878.

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BILL.

An Act to Consolidate the Debt of Brockville.

*(Reprinted as Amended.)*

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First Reading, 23rd January, 1878.

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*(PRIVATE BILL)*

Mr. DEACON.

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TORONTO:  
PRINTED BY HUNTER, ROSE & CO

[No. 25.]

## BILL.

[1878.]

### The London Water-works amendment Act of 1878.

**W**HEREAS the Municipal Council of the Corporation of the City of London have, by their petition, represented that certain amendments should be made to the Act of the Legislature of Ontario, passed in the thirty-eighth year of Her Majesty's reign, intituled "An Act for the Construction of Water-works for the City of London," and that a certain by-law passed under the provisions of the said Act for the purpose of authorizing the construction of the said water-works should be declared valid and binding, and have prayed for the passing of an Act to that end; and whereas it is expedient to grant the prayer of such petition:

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

15 **1.** Section twelve of the said Act is hereby repealed and the following substituted therefor;

38 Vic. c. 102,  
sec. 12, re-  
pealed and  
new sections  
substituted.

12. The commissioner shall also have power and authority from time to time to fix the rate or rent to be paid for the use of the water by hydrants, fire-plugs and public buildings.

20 **12a.** The sum payable by the owner or occupant of any house, tenement, lot, or part of a lot, for the water supplied to him there, or for the use thereof, shall be a lien and charge on such house, tenement, lot, or part of a lot, and may be levied and collected in like manner as municipal rates and taxes are  
25 by law recoverable.

**2.** The by-law passed by the said municipal council on the day of December, 1877; intituled "A By-law to provide for the construction of Water-works for the City of London," is hereby declared to have been duly and legally passed,  
30 and to be valid and binding on the said municipal council, and the corporation, and the inhabitants, and rate-payers of the said City of London, and to be a sufficient compliance with the provision of the said Act, so as to give effect to the same, and to authorize the construction of the said water-works, and the  
35 issue of the debentures thereby authorized to be issued to the amount named in the said by-law, or the amount of the debt intended to be created by the construction of the said Water-works.

By-law o  
Dec., 1877, de-  
clared valid.

40 **3.** It shall not be necessary that any by-law passed under the authority of the thirty third section of the said Act shall provide that any special or other rate per annum shall be

Rate and sink-  
ing fund.

settled, imposed or levied in each or any year to pay the principal or interest of the debentures thereby authorized to be issued, and it shall not be necessary to obtain the consent or approval of the Lieutenant-Governor before contracting the said debt or before or after the passing of the said by-law, but it shall be the duty of the Corporation of the City of London and the council thereof, in each and every year after the completion of the said water-works, or after the expiration of three years from the date of the first issue of such debentures (at the option of the said council) to impose, levy and collect a rate sufficient to pay the interest upon and to provide a sinking fund of two per cent. per annum for the payment of the said debentures. 5 10

By-law may  
be in form of  
Schedule A.

4. The by-law for the issue of debentures under the authority of the said Act may be in the form contained in the Schedule "A" to this Act. 15

Title.

5. The said Act may be cited and known as "The London Water-works Act, 1873," and this Act as "The London Water-works Amendment Act, 1878."

#### SCHEDULE "A."

A by-law to provide for the issue of Water-works Debentures to the amount of \$ \_\_\_\_\_ under the authority of the "London Water-works Act, 1873," and "The London Water-works Amendment Act, 1878."

Whereas the said recited Acts authorize the issue of debentures for the purposes therein mentioned to an amount not exceeding four hundred thousand dollars;

And whereas a by-law authorizing the construction of Water-works for the City of London, by the authority of the said recited Acts has been duly passed in accordance therewith, and the expenditure thereby authorized to be incurred is the sum of three hundred and twenty-five thousand and thirty-five dollars;

Be it therefore enacted by the Municipal Council of the Corporation of the said City of London as follows:

1. It shall be lawful for the mayor to raise by way of loan from any person or body corporate who may be willing to advance the same upon the credit of the debentures hereinafter mentioned a sum of money not exceeding in the whole the sum of three hundred and twenty-five thousand and thirty-five dollars, and to cause the same to be paid into the branch or agency office of the \_\_\_\_\_ at the City of London, to be kept and applied in the manner provided by section thirty-five of the said first recited Act.

2. The mayor may cause any number of debentures, which shall be marked and known as water-works debentures, to be made for such sums as may be required, but not for less than one hundred dollars or twenty pounds of sterling money of Great Britain each, and such debentures shall be made under the common seal of the said city, and signed by the mayor and treasurer thereof.

3. The said debentures shall be made payable in \_\_\_\_\_ years at furthest from the date of the respective issue thereof, either in sterling money of Great Britain or currency, in this

Province or Great Britain or elsewhere, and shall have attached to them coupons for the payment of interest.

4. The said debentures shall bear interest after the rate of per centum per annum from the date thereof, and the interest shall be payable half-yearly, on the first days of January and July in each and every year.

Passed in open council the                      day of  
in the year of our Lord one thousand eight hundred and  
seventy .

*Clerk.*

*Mayor.*



BILL.

The London Water Works amendment  
Act of 1878.

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First Reading,	1878.
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(*PRIVATE BILL.*)

Mr. MEREDITH.

## The London Water-works amendment Act of 1878.

**W**HEREAS the Municipal Council of the Corporation of the City of London have, by their petition, represented that certain amendments should be made to the Act of the Legislature of Ontario, passed in the thirty-eighth year of Her Majesty's reign, intituled "An Act for the Construction of Water-works for the City of London," and that a certain by-law passed under the provisions of the said Act for the purpose of authorizing the construction of the said water-works should be declared valid and binding, and have prayed for the passing of an Act to that end; and whereas it is expedient to grant the prayer of such petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

15 **1.** Section twelve of the said Act is hereby repealed and the following substituted therefor;

12. The commissioner shall also have power and authority from time to time to fix the rate or rent to be paid for the use of the water by hydrants, fire-plugs and public buildings.

20 12a. The sum payable by the owner or occupant of any house, tenement, lot, or part of a lot, for the water supplied to him there, or for the use thereof, shall be a lien and charge on such house, tenement, lot, or part of a lot, and may be levied and collected by sale of the lands or by distress of the goods and chattels of any person liable for the same in like manner as municipal rates and taxes are by law recoverable.

2. The by-law passed by the said municipal council on the twenty-sixth day of December, 1877; intituled "A By-law to provide for the construction of Water-works for the City of London," is hereby declared to have been duly and legally passed, and to be valid and binding on the said municipal council, and the corporation, and the inhabitants, and rate-payers of the said City of London, and to be a sufficient compliance with the provision of the said Act, so as to give effect to the same, and to authorize the construction of the said water-works, and the issue of the debentures thereby authorized to be issued to the amount named in the said by-law, as the amount of the debt intended to be created by the construction of the said Water-works.

40 **3.** It shall not be necessary that any by-law passed under the authority of the thirty third section of the said Act shall

33 Vic. c. 102,  
sec. 12, re-  
pealed and  
new sections  
substituted.

By-law of  
Dec., 1877, de-  
clared valid.

Rate and sink-  
ing fund.

provide that any special or other rate per annum shall be settled, imposed or levied in each or any year to pay the principal or interest of the debentures thereby authorized to be issued, and it shall not be necessary to obtain the consent or approval of the Lieutenant-Governor before contracting the said debt or before or after the passing of the said by-law, but it shall be the duty of the Corporation of the City of London and the council, thereof, in each and every year after the completion of the said water-works, or after the expiration of three years from the date of the first issue of such debentures *which ever shall first happen*, to impose, levy and collect a rate sufficient to pay the interest upon and to provide a sinking fund of two per cent. per annum for the payment of the said debentures.

By-law may  
be in form of  
Schedule A.

4. The by-law for the issue of debentures under the authority of the said Act may be in the form contained in the Schedule "A" to this Act.

Transfer of  
Water Works  
from the Com-  
missioners to  
the Council.

5. *The said municipal council may at any time by by-law declare that the powers, rights, privileges and duties of the commissioners, shall on and from a day to be named therein cease and be determined and come to an end, and the powers, rights, privileges and duties of the commissioners shall from the day so named for that purpose as aforesaid, cease, be determined and come to an end, and thereafter the said Water-works shall be managed and controlled by the said municipal council and the said municipal council shall be invested with all the powers, rights and privileges which are by the said Act conferred upon, vested in, or enjoyed by the said commissioners and be charged with all the duties which are thereby imposed upon them: Provided always that such by-law shall not come into operation or take effect, unless or until the assent of the like ratepayers of the said City of London as were entitled to vote on the by-law to authorize the construction of the said Water-works, shall have first been obtained thereto by a vote taken thereon in the manner prescribed by the Municipal Act for taking a vote on a by-law requiring the assent of the electors.*

Non-con-  
sumers.

6. Notwithstanding anything in the said Act or this Act contained, no person shall be bound to take water supplied by the said commissioners or the said municipal council unless he shall choose to do so, and neither the said commissioners nor the said municipal council shall have authority to impose water rates upon non-consumers.

7. The said Act may be cited and known as "The London Water-works Act, 1873," and this Act as "The London Water-works Amendment Act, 1878."

#### SCHEDULE "A."

A by-law to provide for the issue of Water-works Debentures to the amount of \$ \_\_\_\_\_ under the authority of the "London Water-works Act, 1873," and "The London Water-works Amendment Act, 1878."

Whereas the said recited Acts authorize the issue of debentures for the purposes therein mentioned to an amount not

exceeding four hundred thousand dollars ;

And whereas a by-law authorizing the construction of Water-works for the City of London, by the authority of the said recited Acts has been duly passed in accordance therewith, and the expenditure thereby authorized to be incurred is the sum of three hundred and twenty-five thousand and thirty-five dollars ;

Be it therefore enacted by the Municipal Council of the Corporation of the said City of London as follows:

10 1. It shall be lawful for the mayor to raise by way of loan from any person or body corporate who may be willing to advance the same upon the credit of the debentures hereinafter mentioned a sum of money not exceeding in the whole the sum of three hundred and twenty-five thousand and thirty-five  
15 dollars, and to cause the same to be paid into the branch or agency office of the \_\_\_\_\_ at the City of London, to be kept and applied in the manner provided by section thirty-five of the said first recited Act.

2. The mayor may cause any number of debentures, which  
20 shall be marked and known as water-works debentures, to be made for such sums as may be required, but not for less than one hundred dollars or twenty pounds of sterling money of Great Britain each, and such debentures shall be made under the common seal of the said city, and signed by the mayor and  
25 treasurer thereof.

3. The said debentures shall be made payable in \_\_\_\_\_ years at furthest from the date of the respective issue thereof, either in sterling money of Great Britain or currency, in this Province or Great Britain or elsewhere, and shall have attached  
30 to them coupons for the payment of interest.

4. The said debentures shall bear interest after the rate of \_\_\_\_\_ per centum per annum from the date thereof, and the interest shall be payable half-yearly, on the first days of January and July in each and every year.

35 Passed in open council the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and seventy \_\_\_\_\_ and given under the corporate seal of the said municipality.

*Clerk.*

*Mayor*



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Third Session, Third Parliament, 41 Vic. 1878.

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BILL.

The London Water-Works amendment Act  
of 1878.

*(Reprinted as amended.)*

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First Reading, 23rd January, 1878.

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*(PRIVATE BILL.)*

MR. MEREDITH.

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TORONTO :

PRINTED BY HUNTER, ROSE & Co.

## The London Water-works amendment Act of 1878.

**W**HEREAS the Municipal Council of the Corporation of the City of London have, by their petition, represented that certain amendments should be made to the Act of the Legislature of Ontario, passed in the thirty-eighth year of Her Majesty's reign, intituled "An Act for the Construction of Water-works for the City of London," and that a certain by-law passed under the provisions of the said Act for the purpose of authorizing the construction of the said water-works should be declared valid and binding, and have prayed for the passing of an Act to that end; and whereas it is expedient to grant the the prayer of such petition:

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

15 **1.** Section twelve of the said Act is hereby repealed and the following substituted therefor;

38 Vic. c. 102,  
sec. 12, re-  
pealed and  
new sections  
substituted.

12. The commissioners shall also have power and authority from time to time to fix the rate or rent to be paid for the use of the water by hydrants, fire-plugs and public buildings.

20 12<sup>a</sup>. The sum payable by the owner or occupant of any house, tenement, lot, or part of a lot, for the water supplied to him there, or for the use thereof, shall be a lien and charge on such house, tenement, lot, or part of a lot, and may be levied and collected in like manner as municipal rates and taxes are  
25 by law recoverable.

**2.** The by-law passed by the said municipal council on the *twenty-sixth* day of December, 1877; intituled "A By-law to provide for the construction of Water-works for the City of London," is hereby declared to have been duly and legally passed,  
30 and to be valid and binding on the said municipal council, and the corporation, and the inhabitants, and rate-payers of the said City of London, and to be a sufficient compliance with the provisions of the said Act, so as to give effect to the same, and to authorize the construction of the said water-works, and the  
35 issue of the debentures thereby authorized to be issued to the amount named in the said by-law, as the amount of the debt intended to be created by the construction of the said Water-works.

By-law of  
Dec., 1877, de-  
clared valid.

**3.** It shall not be necessary that any by-law passed under the authority of the thirty third section of the said Act shall provide that any special or other rate per annum shall be settled, imposed or levied in each or any year to pay the principal or interest of the debentures thereby authorized to be issued,

Rate and sink-  
ing fund.

and it shall not be necessary to obtain the consent or approval of the Lieutenant-Governor before contracting the said debt or before or after the passing of the said by-law, but it shall be the duty of the Corporation of the City of London and the council, thereof, in each and every year after the completion of the said water-works, or after the expiration of three years from the date of the first issue of such debentures *which ever shall first happen*, to impose, levy and collect a rate sufficient to pay the interest upon and to provide a sinking fund of two per cent. per annum for the payment of the said debentures. 10

By-law may  
be in form of  
Schedule A.

4. The by-law for the issue of debentures under the authority of the said Act may be in the form contained in the Schedule "A" to this Act.

Transfer of  
Water Works  
from the Com-  
missioners to  
the Council.

5. *The said municipal council may at any time by by-law declare that the powers, rights, privileges and duties of the commissioners, shall on and from a day to be named therein cease and be determined and come to an end, and the powers, rights, privileges and duties of the commissioners shall from the day so named for that purpose as aforesaid, cease, be determined and come to an end, and thereafter the said Water-works shall be managed and controlled by the said municipal council and the said municipal council shall be invested with all the powers, rights and privileges which are by the said Act conferred upon, vested in, or enjoyed by the said commissioners and be charged with all the duties which are thereby imposed upon them: Provided always that such by-law shall not come into operation or take effect, unless or until the assent of the like ratepayers of the said City of London as were entitled to vote on the by-law to authorize the construction of the said Water-works, shall have first been obtained thereto in the manner prescribed by the Municipal Act with respect to by-laws (other than drainage by-laws) requiring the assent of the electors.* 15 20 25 30

Non-con-  
sumers.

6. Notwithstanding anything in the said Act or this Act contained, no person shall be bound to take water supplied by the said commissioners or the said municipal council unless he shall choose to do so, and neither the said commissioners nor the said municipal council shall have authority to impose water rates upon non-consumers. 35

Lands of in-  
fants and ab-  
sentees.

7. If any of the owners or occupiers of, or persons interested in any land, right, or privilege entered upon or taken under the provisions of the said Act, is an infant, insane, or absent from this Province, or if any person interested in the moneys awarded as compensation therefor, refuses or is unable to execute the proper conveyance, or if for any other reason the Corporation of the said City of London deems it advisable so to do, the said Corporation may pay the amount of such compensation, with interest for six months, into the Court of Chancery, for the purposes of the same being distributed between and paid to the persons entitled thereto according to their several and respective interests therein, and thereupon the lands, rights, and privileges in respect of which such compensation is awarded, shall be vested in the said Corporation, its successors and assigns, and the award shall be deemed the title of the Corporation, and shall be registered in the proper registry office. 40 45 50



8. If the said Corporation show by affidavit to the satisfaction of the judge of the County Court of the County wherein the lands lie, that the immediate possession of the lands, or of the rights or privileges which are sought to be acquired under the provisions of the said Act is necessary for proceeding with the operations of the Commissioners, and that the Commissioners are ready to proceed with such operations forthwith, the said judge may, upon the Commissioners giving security to his satisfaction in such sum as he may think just, to pay or deposit the compensation to be awarded within one month after making the award, with interest from the time possession is given, and also to pay such costs as may be lawfully payable by the Commissioners, issue his warrant to the sheriff of the county in which the lands lie, or to a bailiff, as he may deem most suitable, to put the Commissioners in possession, and to put down any resistance or opposition to possession being taken, which the sheriff or bailiff, taking with him sufficient assistance, shall accordingly do.

Procuring immediate possession of lands.

9. A notice in such form and for such time as the said court appoints shall be inserted in some newspaper published in the county in which the lands are situate, which shall state that the title of the Corporation, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land or any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation or any part thereof, and all such claims shall be received and adjudged upon by the court, and the said proceedings shall forever bar all claims to the lands, rights or privileges, or any part thereof, including dower as well as all mortgages and encumbrances upon the same, and the court shall make such order for the distribution, payment or investment of the compensation, and for securing the rights of all parties interested, as to right and justice, and according to the provisions of this Act and to law appertain.

Publication of notice to parties to file claims.

10. The costs of the proceedings or any part thereof shall be paid as the Court deems it equitable to order.

Costs.

11. If such order of distribution as aforesaid is obtained in less than six months from the payment of the compensation into court, the court shall direct a proportionate part of the interest to be returned to the Commissioners or the Corporation (as the case may be), and if from any error, fault or neglect of the Commissioners, or the Corporation (as the case may be), such order is not obtained until after the six months have expired, the court shall order the Commissioners, or the Corporation (as the case may be), to pay to the proper claimants the interest for such further period as may be right.

12. No person shall be held to be disqualified from being elected or sitting as a member of the Council of the Municipal Corporation of the City of London by reason of his being a taker or consumer of water supplied by the Commissioners or Corporation, or by reason of any dealing or contract with the Commissioners or the Corporation with reference to the supply of water to such person.

Contracts for water not to disqualify for the council.



Title of Act.

**13.** The said Act may be cited and known as "The London Water-works Act, 1873," and this Act as "The London Water-works Amendment Act, 1878."

### SCHEDULE "A."

A by-law to provide for the issue of Water-works Debentures to the amount of \$ \_\_\_\_\_ under the authority 5 of the "London Water-works Act, 1873," and "The London Water-works Amendment Act, 1878."

Whereas the said recited Acts authorize the issue of debentures for the purposes therein mentioned to an amount not

exceeding four hundred thousand dollars;

10

And whereas a by-law authorizing the construction of Water-works for the City of London, by the authority of the said recited Acts has been duly passed in accordance therewith, and the expenditure thereby authorized to be incurred is the sum of three hundred and twenty-five thousand and thirty-five 15 dollars;

Be it therefore enacted by the Municipal Council of the Corporation of the said City of London as follows:

1. It shall be lawful for the mayor to raise by way of loan from any person or body corporate who may be willing to 20 advance the same upon the credit of the debentures hereinafter mentioned a sum of money not exceeding in the whole the sum of three hundred and twenty-five thousand and thirty-five dollars, and to cause the same to be paid into the branch or agency office of the \_\_\_\_\_ at the City of London, 25 to be kept and applied in the manner provided by section thirty-five of the said first recited Act.

2. The mayor may cause any number of debentures, which shall be marked and known as water-works debentures, to be made for such sums as may be required, but not for less than 30 one hundred dollars or twenty pounds of sterling money of Great Britain each, and such debentures shall be made under the common seal of the said city, and signed by the mayor and treasurer thereof.

3. The said debentures shall be made payable in \_\_\_\_\_ 35 years at furthest from the date of the respective issue thereof, either in sterling money of Great Britain or currency, in this Province or Great Britain or elsewhere, and shall have attached to them coupons for the payment of interest.

4. The said debentures shall bear interest after the rate of \_\_\_\_\_ 40 per centum per annum from the date thereof, and the interest shall be payable half-yearly, on the first days of January and July in each and every year.

Passed in open council the \_\_\_\_\_ day of \_\_\_\_\_ 45 in the year of our Lord one thousand eight hundred and seventy \_\_\_\_\_ and given under the corporate seal of the said municipality.

Clerk.

Mayor.



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Third Session, Third Parliament, 41 Vic., 1878.

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BILL,

The London Water-Works amendment Act  
of 1878.

*(Reprinted as amended.)*

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First Reading, 23rd January, 1878.

Second " 6th February, 1878.

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(PRIVATE BILL.)

MR. MEREDITH.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to enable Isaac Brock Burwell to sell certain  
Lands in Westminster.

**W**HEREAS the late Mahlon Burwell, of Port Talbot, Esquire, Preamble.  
by a certain deed poll bearing date on the twenty-ninth  
day of March, in the year of our Lord one thousand eight hun-  
dred and forty-two, after reciting therein that he had deemed  
5 it expedient to make title to Her Majesty Queen Victoria, her  
heirs and successors for ever, for a plot of ground, parcel or  
tract of land contiguous to the town, now the City of London,  
in the said County of Middlesex, to be improved and embel-  
lished by the inhabitants of the said town, now the City of  
10 London, by enclosing and planting the same for their accom-  
modation and amusement, and that of the inhabitants of the said  
County of Middlesex, and for the playing therein of the bands  
of Her Majesty's troops, did grant and convey unto Her Ma-  
jesty Queen Victoria, her heirs and successors for ever, all and  
15 and singular that certain parcel of land and premises situate  
and being in the Township of Westminster, in the said county,  
containing by admeasurement four acres one rood and twenty-  
four perches, be the same more or less, being composed of a  
part of lot number six, east, on Wharncliffe Highway, in the  
20 said Township of Westminster, and is butted and bounded as  
follows, that is to say: Commencing at the angular point  
formed by the intersection of the southern limit of Stanley  
Street with the north-western termination of Wortley Road,  
which said point is found by producing the southern limit of  
25 York Street, of the said Town of London, across the River  
Thames, and over Wortley Road, to the north-western termina-  
tion of the said road; then south sixty-nine degrees seventeen  
minutes west, along the southern limit of Stanley Street, twen-  
ty-one chains twenty-five links, more or less, to the intersection  
30 of the said southern limit of Stanley Street with the northern  
limit of Peel Street; then on a bearing nearly north eighty-one  
degrees thirty minutes east, along the northern limit of Peel  
Street, seventeen chains seventy-five links, more or less, to  
within two chains twenty-five links of the angular point formed  
35 by the intersection of the northern limit of Peel Street with the  
western limit of Wortley Road; then on a bearing at right an-  
gles with Peel Street, nearly north, eighty degrees thirty min-  
utes west two chains twenty-five links; then on a bearing par-  
allel with Peel Street, nearly north, eighty-one degrees thirty  
40 minutes, east two chains twenty-five links, more or less, to the  
western limits of Wortley Road; then northerly, following  
the western limit of Wortley Road aforesaid, two chains and  
fifty links, more or less, to the place of beginning: To hold the  
same unto Her said Majesty Queen Victoria, her heirs and suc-  
45 cessors for ever, to and for no other purpose or purposes what-



ever but those mentioned in the recital to the said deed poll. And whereas the said Mahlon Burwell did also, by a certain other deed poll, bearing date on the said twenty-ninth day of March, in the year of our Lord one thousand eight hundred and forty-two, grant and convey unto Her said Majesty the Queen, 5  
 her heirs and successors, all and singular that certain other parcel of land and premises, situated in the said Township of Westminster, containing by admeasurement two roods or half an acre, be the same more or less, being composed of a part of lot number six, east on Wharncliffe Highway, in the said Town- 10  
 ship of Westminster, and butted and bounded as follows, that is to say : Commencing at the angular point formed by the intersection of the northern limit of Peel Street with the western limit of Wortley Road ; then on a bearing nearly south, eighty- 15  
 one degrees thirty minutes west along the northern limit of Peel Street, two chains twenty-five links ; then on a bearing at right angles with Peel Street, nearly north, eight degrees thirty minutes, west two chains twenty-five links ; then on a bearing 20  
 parallel with Peel Street, nearly north eighty-one degrees thirty minutes, east two chains twenty-five links, more or less, to the western limit of Wortley Road aforesaid ; thence southerly, following the western limit of Wortley Road, two chains twenty- 25  
 five links to the place of beginning : To hold the same unto Her said Majesty Queen Victoria, her heirs and successors for ever, to and for no other purpose or purposes whatever other 25  
 than for the Mechanics Institution of the said town, now the City of London, to erect a suitable building thereon for their accommodation, and to improve, enlarge, and embellish the said building, and to beautify and ornament the said parcel of land, 30  
 as the members of the said Mechanics Institution in any and all time to come, may find means to enable them to do : And 30  
 whereas, in and by each of the said deeds poll it is declared that the same are made upon the positive and express condition that if any sale of the said lands or any part thereof, or other dis- 35  
 position than that contemplated by the obvious meaning of the said deeds poll, should be made by any person or persons, power or powers whatsoever, that then and in such case the said par- 40  
 cels of land should from thenceforth revert to and come into the immediate seisin, inheritance, and occupancy of the heir-at-law for the time being of the said Mahlon Burwell, as if the said 40  
 deeds poll respectively had never been made : And whereas in or about the year of our Lord one thousand eight hundred and forty-six, the said Mahlon Burwell departed this life intestate 45  
 as to the said lands : And whereas Isaac Brock Burwell, of the Township of Carradoc, in the County of Middlesex, Esquire, 45  
 is the heir-at-law of the said Mahlon Burwell, deceased : And whereas the lands described in the said two deeds poll have long since been found to be, and are utterly useless for and unsuit- 50  
 able to the purposes for which they were granted and conveyed as aforesaid by the said Mahlon Burwell : and whereas the Cor- 50  
 porations of the said City of London and of the said County of Middlesex have consented and agreed that the said parcel of land firstly hereinbefore mentioned, shall be absolutely vested in the said Isaac Brock Burwell and his heirs ; and the Mecha- 55  
 nics Institute of the said City of London have, in like manner, consented and agreed that the said parcel of land secondly here-  
 before mentioned, shall be absolutely vested in the said Isaac Brock Burwell ; and have petitioned for an Act to confirm the same ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The several parcels of land in the preamble hereto mentioned and described, together with all and every the appurtenances thereto, are hereby vested in the said Isaac Brock Burwell, his heirs and assigns, to and for his and their own absolute use forever, freed and discharged from all or any of the trusts declared in and by the said two deeds poll, or either of them, and from all rights of any person or persons, corporation or corporations, to have, use, occupy, enjoy, or in anywise interfere with the same, and with full power to sell, alien, dispose of, and convey the same without the consent of any person or persons, corporation or corporations, and to receive and take the purchase money therefor, to his and their own use and benefit.

Lands in  
Westminster  
vested in I. B.  
Burwell.

Third Session, Third Parliament, 41 Vic. 1878.

BILL.

An Act to enable Isaac Brock Burwell to  
sell certain Lands in Westminster.

First Reading,	1878.
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(*PRIVATE BILL.*)

Mr.



An Act to enable Isaac Brock Burwell to sell certain  
Lands in Westminster.

**W** HEREAS the late Mahlon Burwell, of Port Talbot, Esquire, Preamble.  
by a certain deed poll bearing date on the twenty-ninth  
day of March, in the year of our Lord one thousand eight hun-  
dred and forty-two, after reciting therein that he had deemed  
5 it expedient to make title to Her Majesty Queen Victoria, her  
heirs and successors for ever, for a plot of ground, parcel or  
traet of land contiguous to the town, now the City of London,  
in the said County of Middlesex, to be improved and embel-  
lished by the inhabitants of the said town, now the City of  
10 London, by enclosing and planting the same for their accom-  
modation and amusement, and that of the inhabitants of the said  
County of Middlesex, and for the playing therein of the bands  
of Her Majesty's troops, did grant and convey unto Her Ma-  
jesty Queen Victoria, her heirs and successors for ever, all  
15 and singular that certain parcel of land and premises situate  
and being in the Township of Westminster, in the said county,  
containing by admeasurement four acres one rood and twenty-  
four perches, be the same more or less, being composed of a  
part of lot number six, east, on Wharncliffe Highway, in the  
20 said Township of Westminster, butted and bounded as fol-  
lows, that is to say: Commencing at the angular point  
formed by the intersection of the southern limit of Stanley  
Street with the north-western termination of Wortley Road,  
which said point is found by producing the southern limit of  
25 York Street, of the said Town of London, across the River  
Thames, and over Wortley Road, to the north-western termina-  
tion of the said road; then south sixty-nine degrees seventeen  
minutes west, along the southern limit of Stanley Street, twen-  
ty-one chains twenty-five links, more or less, to the intersection  
30 of the said southern limit of Stanley Street with the northern  
limit of Peel Street; then on a bearing nearly north eighty-one  
degrees thirty minutes east, along the northern limit of Peel  
Street, seventeen chains seventy-five links, more or less, to  
within two chains twenty-five links of the angular point formed  
35 by the intersection of the northern limit of Peel Street with the  
western limit of Wortley Road; then on a bearing at right an-  
gles with Peel Street, nearly north, eighty degrees thirty min-  
utes west two chains twenty-five links; then on a bearing par-  
allel with Peel Street, nearly north, eighty-one degrees thirty  
40 minutes, east two chains twenty-five links, more or less, to the  
western limits of Wortley Road; then northerly, following  
the western limit of Wortley Road aforesaid, two chains and  
fifty links, more or less, to the place of beginning: To hold the  
same unto Her said Majesty Queen Victoria, her heirs and suc-  
45 cessors for ever, to and for no other purpose or purposes what-



ever but those mentioned in the recital to the said deed poll. And whereas the said Mahlon Burwell did also, by a certain other deed poll, bearing date on the said twenty-ninth day of March, in the year of our Lord one thousand eight hundred and forty-two, grant and convey unto Her said Majesty the Queen, 5 her heirs and successors, all and singular that certain other parcel of land and premises, situated in the said Township of Westminster, containing by admeasurement two roods or half an acre, be the same more or less, being composed of a part of lot number six, east on Wharncliffe Highway, in the said Town- 10 ship of Westminster, and butted and bounded as follows, that is to say : Commencing at the angular point formed by the intersection of the northern limit of Peel Street with the western limit of Wortley Road ; then on a bearing nearly south, eighty-one degrees thirty minutes west along the northern limit of 15 Peel Street, two chains twenty-five links ; then on a bearing at right angles with Peel Street, nearly north, eight degrees thirty minutes west, two chains twenty-five links ; then on a bearing parallel with Peel Street, nearly north eighty-one degrees thirty minutes east, two chains twenty-five links, more or less, to the 20 western limit of Wortley Road aforesaid ; thence southerly, following the western limit of Wortley Road, two chains twenty-five links to the place of beginning : To hold the same unto Her said Majesty Queen Victoria, her heirs and successors for ever, to and for no other purpose or purposes whatever other 25 than for the Mechanics Institution of the said town, now the City of London, to erect a suitable building thereon for their accommodation, and to improve, enlarge, and embellish the said building, and to beautify and ornament the said parcel of land, as the members of the said Mechanics Institution in any and 30 all time to come, may find means to enable them to do : And whereas, in and by each of the said deeds poll it is declared that the same are made upon the positive and express condition that if any sale of the said lands or any part thereof, or other disposition than that contemplated by the obvious meaning of the 35 said deeds poll, should be made by any person or persons, power or powers whatsoever, that then and in such case the said parcels of land should from thenceforth revert to and come into the immediate seisin, inheritance, and occupancy of the heir-at-law for the time being of the said Mahlon Burwell, as if the said 40 deeds poll respectively had never been made : And whereas in or about the year of our Lord one thousand eight hundred and forty-six, the said Mahlon Burwell departed this life intestate as to the said lands : And whereas Isaac Brock Burwell, of the Township of Carradoc, in the County of Middlesex, Esquire, 45 is the heir-at-law of the said Mahlon Burwell, deceased : And whereas the lands described in the said two deeds poll have long since been found to be, and are utterly useless for and unsuitable to the purposes for which they were granted and conveyed as aforesaid by the said Mahlon Burwell : and whereas the Cor- 50 porations of the said City of London and of the said County of Middlesex have consented and agreed that the said parcel of land firstly hereinbefore mentioned, shall be absolutely vested in the said Isaac Brock Burwell and his heirs ; and the Mechanics Institute of the said City of London have, in like manner, 55 consented and agreed that the said parcel of land secondly hereinbefore mentioned, shall be absolutely vested in the said Isaac Brock Burwell ; and have petitioned for an Act to confirm the same ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The several parcels of land in the preamble hereto mentioned and described, together with all and every the appurtenances thereto, are hereby vested in the said Isaac Brock Burwell, his heirs and assigns, to and for his and their own absolute use forever, freed and discharged from all or any of the trusts declared in and by the said two deeds poll, or either of them, and from all rights of Her Majesty or Her successors, or of any person or persons, corporation or corporations, to have, use, occupy, enjoy, or in anywise interfere with the same, and with full power to sell, alien, dispose of, and convey the same without the consent of any person or persons, corporation or corporations, and to receive and take the purchase money therefor, to his and their own use and benefit.  Provided always Lands in Westminster vested in I. B. Burwell.  
Proviso. that nothing herein contained shall impair or prejudicially affect the rights of the corporation of the said city of London, or of the corporation of the said county of Middlesex, in respect of the said first mentioned lands, or the proceeds of the sale thereof, under the term of an Indenture, bearing date the thirteenth day of February, in the year of our Lord one thousand eight hundred and seventy-eight, and made between the said two corporations and the said Isaac Brock Burwell; and provided also, that nothing herein contained shall impair or prejudicially affect the rights of the London Mechanics' Institute, in respect of the lands lastly mentioned in the preamble, or the proceeds of the sale thereof, under the terms of an Indenture, bearing date the fourteenth day of February, in the year of our Lord one thousand eight hundred and seventy-eight, and made between the said Mechanics' Institute and the said Isaac Brock Burwell. 

BILL.

An Act to enable Isaac Brock Burwell to  
sell certain Lands in Westminster.

*(Reprinted as amended.)*

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First Reading, 22nd January, 1878.

Second " 15th February, 1878.

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*(PRIVATE BILL.)*

Mr. McCraney.

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TORONTO:

PRINTED BY HUNTER ROSE & Co.

An Act to incorporate the Wellington and Georgian Bay Railway Company.

**W**HEREAS the construction of a railway from the Town of Guelph, in the County of Wellington, the Town of Listowell in the County of Perth, the Village of Harriston in the County of Wellington or any intermediate point to the Town of Owen Sound or some other point or points on the Georgian Bay, via the Village of Mount Forest in the County of Wellington, and the Town of Durham in the County of Grey, has become necessary for the development of the resources of the said counties and the country adjacent thereto; and whereas William McDowell and others have petitioned that an Act may pass for the construction of said railway; and whereas it is expedient to grant the same:

Therefore, Her Majesty, by and with the consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

15 **1.** William McDowell, Alexander Meiklejohn, John Nasmith, William W. Winfield, Thomas Swan, David Yeomans, John Hampton, James McMullen, James Murdoch, Thomas Smith, George A. Drew, Gilbert McKechnie, Alexander C. McKenzie, Henry Parker, James H. Hunter, George Jackson, Finlay Mc-  
 20 Rae, James Edye, Alexander M. Stephens, Richard Notter, Benjamin Allen, David McNicol, and William Rough, together with such persons and corporations as shall, in pursuance of this Act, become shareholders of the company hereby incorporated, are hereby declared to be a body corporate and politic, by the name  
 25 of the Wellington and Georgian Bay Railway Company.

Incorporation and corporate name.

**2.** The several clauses of the "Railway Act" of Ontario, and the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands," "tolls," "general meetings," "president and directors, their  
 30 election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "indemnity, and fines and penalties, and their prosecution," "by-laws, notices, &c." "working of the railway and general provisions," shall be deemed to be part of this Act, and shall apply to the said company, and to  
 35 the railway to be constructed by them, except so far as may be inconsistent with the enactments; and the expression "this Act," when used, shall be understood to include the clauses of the said Railway Act so incorporated with this Act as aforesaid.

Certain clauses of the Railway Act to apply.

**3.** The said company shall have full power and authority  
 40 under this Act, to construct a railway from the Town of Guelph, in the County of Wellington, the Town of Listowell, in the County of Perth, the Village of Harriston, in the County of

Location of line.



Wellington, or any intermediate point to the Town of Owen Sound, in the County of Grey, or at some other point or points on the Georgian Bay, via the Village of Mount Forest in the said County of Wellington, and the Town of Durham in the said County of Grey.

5

Gauge.

4. The gauge of the said railway shall not be less than four feet eight and a half inches.

Conveyances  
how made,  
and registered.

5. Conveyances of lands to the said company for the purposes of this Act may be made in the form set out in the Schedule (Schedule A.) hereunder written, or to the like effect; and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrars shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate endorsed on the duplicate thereof.

15

Provisional  
directors.

6. From and after the passing of this Act, the said William McDowell, Alexander Meiklejohn, John Nasmith, William W. Winfield, Thomas Swan, David Yeomans, James Murdoch, Thomas Smith, George A. Drew, Gilbert McKechnie, Alexander C. McKenzie, Henry Parker, James H. Hunter, George Jackson, Finlay McRae, James Edye, and David McNicol, Alexander M. Stephens, Richard Notter, Benjamin Allen, and William Rough shall be the provisional directors of the said company.

20

Powers of pro-  
visional  
directors.

7. The said provisional directors, until others shall be appointed as hereinafter provided, shall constitute the board of directors of the said company with power to fill vacancies occurring therein, to associate with themselves thereon not more than three other persons, who upon being so appointed shall become and be provisional directors of the company equally with themselves, to open stock-books and to procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be executed, and to cause a general meeting of the shareholders for the election of directors as hereinafter provided, and with all such other powers as under the "Railway Act," are vested in such boards.

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Authority to  
appropriate  
lands.

8. It shall and may be lawful for the said company to pass over any portions of the country between the points in the third section mentioned, and to carry the said railway through the Crown lands lying between the points aforesaid, and to take and appropriate for the use of the said railway and the works connected therewith, so much of the land as may be necessary for the works of the said railway.

40

Capital stock.

9. The capital of the company hereby incorporated shall be one hundred thousand dollars with power to increase the same in the manner provided by the said Railway Act, to be divided into two thousand shares, of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such body; and the money so raised shall be applied in the first place for the payment of all expenses for procuring the passing of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized, and the

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remainder of such money shall be applied to the making, equipment, completion and working of the said railway, and the purposes of this Act.

- 10.** When and as soon as shares to the amount of twenty-  
 5 five thousand dollars, in the capital stock of the company shall have been subscribed and ten per centum shall have been paid into one of the chartered banks of the Province or of the Dominion, or when and as soon as such subscriptions, together with sums granted by municipalities, either by way of loans or  
 10 subscriptions, shall have been deposited in one of the chartered banks of the Province, or with the Provincial Treasurer, in the names of trustees, as hereinafter provided, the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the  
 15 purpose of electing directors, giving at least three week's notice in two newspapers, one published in the County of Grey, and one in the County of Wellington, and in the *Ontario Gazette*, of the time, place, and object of such meeting; and at such general meeting the shareholders present, either in person or  
 20 by proxy, and who shall at the opening of such meeting have paid ten per cent. on the stock subscribed by them, shall elect persons to be directors of the said company, in manner, and qualified as hereinafter mentioned, together with *ex-officio* directors under the Railway Act or this Act, shall constitute a  
 25 board of directors, and shall hold office until the first Tuesday of June in the year following their election.

First meeting  
for the election  
of directors.

- 11.** The sums so paid shall not be withdrawn from the bank except for the purposes of this Act, nor shall the debentures so  
 deposited be otherwise applied than to the purposes of the  
 30 railway, as defined in the by-law or agreement between the municipality or municipalities granting the same, and the railway company, in relation thereto.

Loans and  
debentures  
deposited,  
application of,

- 12.** The directors for the time being may from time to time  
 make calls as they think fit, provided that no calls shall be  
 35 made at any one time of more than ten per cent. of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call by notice published in one newspaper in each of the Counties of Wellington and Grey, and in the *Ontario Gazette*.

Calls.

- 13.** Thereafter the general annual meeting of the shareholders  
 40 of the company shall be held in such place in the Town of Durham, and on such days and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least three weeks previously, in the *Ontario*  
 45 *Gazette*, and one newspaper in each of the said Counties of Wellington and Grey.

General annual meetings.

- 14.** Special general meetings of the shareholders of said company may be held in such places in the Town of Durham, and  
 at such times and in such manner, and for such purposes as may  
 50 be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

Special general meetings.

- 15.** In the election of directors under this Act, no person  
 shall be elected a director unless he shall be the holder, and owner

Qualification  
of directors



of at least ten shares of the stock of the said company upon which all calls have been paid up.

Shareholders  
right to vote,  
&c.

**16.** Aliens as well as British subjects, and whether resident in this Province, or elsewhere may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company. 5

Quorum:

**17.** At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors form a quorum for transaction of business; and the said board of directors may employ one of their number as paid director. 10

Aid from  
municipali-  
ties.

**18.** In case fifty at least of the persons rated on the last assessment roll as freeholders, who may be qualified voters, under the Municipal Act in any municipality or section of a municipality, do petition the council of said municipality to pass a by-law as hereinafter set out, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company for this purpose, and stating the amount, which they so desire to grant and to be assessed therefor, the council of such municipality shall introduce a by-law and submit the said by-law to the vote of the qualified ratepayers of the municipality or section of the municipality defined in the said petition:— 15 20

1. For raising the amount so petitioned for by such freeholders, for such municipality or section of municipality, by the issue of the debentures of the municipality payable in twenty years or earlier, or by annual instalments and for the delivery to trustees of the debentures, for the amount of said bonus, at the times and on the terms specified in said petition: 25 30

2. For assessing and levying upon all the rateable property lying within the municipality or section of a municipality defined by said petition, an annual special rate sufficient to include a sinking fund for the re-payment of the debentures with interest thereon, said interest to be payable yearly or half-yearly, which debentures the municipal council and the reeves and other officers thereof are hereby authorized to issue and execute in such cases respectively: Provided the said by-law shall not be valid unless it has received the assent of the duly qualified ratepayers of the municipality or section of the municipality, in the manner provided by law in the case of a by-law requiring the assent of the ratepayers of a municipality before its final passage. 35 40

After passing  
by-laws  
debentures to  
issue.

**19.** It shall be the duty of the reeve, mayor, or other head of the council, upon such petition being presented to him forthwith to call a meeting of the council for the purpose of introducing such by-law and submitting the same to the ratepayers, and within one month after the passing of such by-law, the said council and the reeve or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act. 45 50

Powers to  
exempt from  
taxation.

**20.** It shall be lawful for the corporation of any municipality through any part of which the railway of the said company

passes or is situate, by by-law especially passed for that purpose, to exempt the said company and its property within such municipality either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or  
 5 otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years.

10 **21.** Whenever a municipality or municipalities or section or sections of a municipality or municipalities shall grant a bonus to aid the said company, the debentures thereof shall be within six weeks after the passing of the by-law delivered to three trustees, one to be named by the company, one by the municipi-  
 15 palities granting such bonuses, and one by the Lieutenant Governor in Council; Provided always, that if the municipal council interested shall refuse or neglect to name a trustee within four weeks after notice in writing to them of the appointment by the company, then the company shall be at liberty to  
 20 name such trustee; in the event of the death, resignation or inability, or refusal to act, of any trustee, the party who originally appointed such trustee so dying, resigning or becoming incapable or unwilling to act may appoint a successor, and in the event of such party failing for two weeks after notice in writ-  
 25 ing to make such appointment, the company may appoint such trustee.

Municipal  
debentures  
delivery to  
trustees.

**22.** The said trustees shall receive the said debentures in trust: Firstly, to deposit the same in some chartered bank of the Province; Secondly, to convert the same or any of them  
 30 into money whenever required to do so by the directors, but subject to the conditions of the by-law in relation thereto as to the time and manner, and to deposit the amounts realized from the sale thereof in some such chartered bank in the name of the "Wellington and Georgian Bay Railway Company," and to  
 35 pay the same out to the said company from time to time on the certificate of the chief engineer of the said railway, in the form set out in Schedule "B," hereunder written, or to the like effect, selling out the portion of the railway to which the money to be paid out is applied, and the total amount expended on  
 40 such portion to the date of the certificate, and such certificate shall be attached to the cheque to be drawn by the same trustees.

Trusts of  
debentures.

**23.** The act of any two of such trustees shall be as valid and binding as if the three had agreed.

The act of  
two trustees  
valid.

**24.** The directors of the said company, after the sanction of the shareholders shall have first been obtained, at any special  
 45 general meeting to be called from time to time for that purpose, shall have power to issue bonds made and signed by the president or vice-president of the said company, and countersigned by the secretary and under the seal of the said company, for  
 50 the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the company, real and personal then existing, and at  
 55 any time thereafter acquired, and such holder of the said bonds

Power to issue  
preferential  
bonds.



Limit to  
bonds:

shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid: Provided however, that the whole amount of such issue of bonds shall not exceed in all, the sum of ten thousand dollars per mile, nor shall the amount of such bonds issued at any one time be in excess of the amount actually expended in surveys, purchase of right of way, and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for and delivered to the company within the Provinces of Ontario or Quebec; and provided even further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Rights of  
unpaid bond-  
holders.

Bonds, &c.,  
how payable

**25.** All such bonds, debentures and other securities and coupons and interest amounts thereon respectively, may be made payable to bearer or transferrable by delivery, and any holder of any such bonds, debentures or other securities so made payable to bearer may sue at law thereon in his own name.

Power to  
become parties  
to notes, &c.

**26.** The said company shall have power and authority to become parties to promissory notes or bills of exchange, made or endorsed by the president or vice-president of the company and countersigned by the secretary thereof, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted; Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange, payable to bearer or intended to be circulated as money, or as the notes or bills of banks.

Power to  
acquire whole  
lots, though  
less would  
suffice.

**27.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or any part thereof, from time to time, as they may deem expedient.

**28.** The railway shall be commenced within three years, and finally completed within seven years after the passing of this Act. Limit of time, &c.

**29.** The said company hereby incorporated may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for the construction of the said railway or otherwise. Power to pledge bonds.

**30.** The company incorporated by this Act, may enter into any arrangement with any other railway company or companies which is or are lawfully empowered to enter into such an agreement for the leasing or working of the said railway on such terms and conditions as the directors of the several companies may agree upon, or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof, for leasing or hiring any locomotives or other rolling stock or movable property from such companies or persons, and generally to make any agreement or agreements with any other companies touching the use by one or the other, or by both companies, of the railway or rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the contract terms thereof; Provided, that the assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose according to the by-laws of the company, and the provisions of this Act; and the company or companies leasing or entering into such agreement for using the said railway, may, and are hereby authorized to work the said railway, and in the same manner as if incorporated with its own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province. Arrangements may be made with other companies.

#### SCHEDULE "A."

Know all by these presents, that I (or we) [insert the name or names of the vendors] in consideration of

dollars paid to me (or us) by the Wellington and Georgian Bay Railway Company the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [insert name of any other party or parties] in consideration of

paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or these certain parcels, as the case may be) of land (describe the land), the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances unto the said Wellington and Georgian Bay Railway Company, their successors and assigns, (here insert any other clauses, conditions and covenants required) and I (or we) wife (or wives) of the said

do hereby bar my (or our) dower in the said lands, in witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and seventy

Signed, sealed and delivered }  
in presence of }

(L.S.)

## SCHEDULE "B."

*Chief Engineer's Certificate.*

The Wellington and Georgian Bay Railway Company's Office,  
Engineer's Department No.      A. D., 187 ,

Certificate to be attached to Cheques drawn on the Wellington  
and Georgian Bay Railway Company Municipal Trust Ac-  
count, given under section      chapter      of the Acts  
of the Legislature of Ontario, passed in the      year of  
Her Majesty's Reign.

I, A. B., Chief Engineer for the Wellington and Georgian  
Bay Railway Company, do certify that the said company has  
fulfilled the terms and conditions necessary to be fulfilled under  
the by-law No.      of the Township of      (or under the  
agreement dated the      day of      between  
the Corporation of      and the said company) to entitle  
the said company to receive from the said trust the sum of  
(here set out the terms and conditions, if any,  
which have been fulfilled,

Third Session, Third Parliament, 41 Vic. 1378

BILL.

An Act to incorporate the Wellington and  
Georgian Bay Railway Company.

First Reading,      1878,

(PRIVATE BILL.)

Mr. HUNTER.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.



An Act to incorporate the Georgian Bay *and* Wellington Railway Company.

**W**HEREAS the construction of a railway from the Town of Guelph, in the County of Wellington, the Town of Listowell in the County of Perth, the Village of Harriston in the County of Wellington or any intermediate point to the Town of Owen Sound or some other point or points on the Georgian Bay, via the Village of Mount Forest in the County of Wellington, and the Town of Durham in the County of Grey, has become necessary for the development of the resources of the said counties and the country adjacent thereto; and whereas William McDowell and others have petitioned that an Act may pass for the construction of said railway; and whereas it is expedient to grant the same:

Therefore, Her Majesty, by and with the consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. William McDowell, Alexander Meiklejohn, John Nasmith, William W Winfield, Thomas Swan, David Yeomans, Joseph Hampton, James McMullen, James Murdoch, Thomas Smith, George A. Drew, Gilbert McKechnie, Alexander C. McKenzie, Henry Parker, James H. Hunter, George Jackson, Finlay McRae, James Edge, Alexander M. Stephens, Richard Notter, Benjamin Allen, David McNicol, and William Kough, together with such persons and corporations as shall, in pursuance of this Act, become shareholders of the company hereby incorporated, are hereby declared to be a body corporate and politic, by the name of the Wellington and Georgian Bay Railway Company.

2. The several clauses of the "Railway Act" of Ontario, and the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "dividends," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties, and their prosecution," "by-laws, notices, &c." "working of the railway and general provisions," shall be deemed to be part of this Act, and shall apply to the said company, and to the railway to be constructed by them, except so far as may be inconsistent with the enactments *hereof*; and the expression "this Act," when used, shall be understood to include the clauses of the said Railway Act so incorporated with this Act as aforesaid.

3. The said company shall have full power and authority under this Act, to construct a railway from the Town of Guelph,

Preamble.

Incorporation and corporate name.

Certain clauses of the Railway Act to apply.

Location of line.



in the County of Wellington, the Town of Listowell, in the County of Perth, the Village of Harriston, in the County of Wellington, or any intermediate point to the Town of Owen Sound, in the County of Grey, or to some other point or points on the Georgian Bay, via the Village of Mount Forest in the said County of Wellington, and the Town of Durham in the said County of Grey. 5

Gauge.

4. The gauge of the said railway shall not be less than four feet eight and a half inches.

Conveyances  
how made,  
and registered.

5. Conveyances of lands to the said company for the purposes of this Act may be made in the form set out in the Schedule (Schedule A.) hereunder written, or to the like effect; and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate endorsed on the duplicate thereof. 10 15

Provisional  
directors.

6. From and after the passing of this Act, the said William McDowell, Alexander Meiklejohn, John Nasmith, William W. Winfield, Thomas Swan, David Yeomans, Joseph Hampton, James Murdoch, Thomas Smith, George A. Drew, Gilbert McKechnie, Alexander C. McKenzie, Henry Parker, James H. Hunter, George Jackson, Finlay McRae, James Edge, and David McNicol, Alexander M. Stephens, Richard Notter, Benjamin Allen, and William Kough shall be the provisional directors of the said company. 20 25

Powers of provisional  
directors.

7. The said provisional directors, until others shall be appointed as hereinafter provided, shall constitute the board of directors of the said company with power to fill vacancies occurring therein, to associate with themselves thereon not more than three other persons, who upon being so appointed shall become and be provisional directors of the company equally with themselves, to open stock-books and to procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be executed, and to cause a general meeting of the shareholders for the election of directors as hereinafter provided, and with all such other powers as under the "Railway Act," are vested in such boards. 30 35 40

Authority to  
appropriate  
lands.

8. It shall and may be lawful for the said company to pass over any portions of the country between the points in the third section mentioned, and to carry the said railway through the Crown lands lying between the points aforesaid, and to take and appropriate for the use of the said railway and the works connected therewith, so much of the land as may be necessary for the works of the said railway. 45

Capital stock.

9. The capital of the company hereby incorporated shall be one hundred thousand dollars with power to increase the same in the manner provided by the said Railway Act, to be divided into two thousand shares, of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such body; and the money so raised shall be applied in the first place for the payment of all expenses for procuring 50

the passing of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway, and the purposes of this Act.

**10.** When and as soon as shares to the amount of twenty-five thousand dollars, in the capital stock of the company shall have been subscribed and ten per centum shall have been paid into one of the chartered banks of the Dominion, the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least three week's notice in two newspapers, one published in the County of Grey, and one in the County of Wellington, and in the *Ontario Gazette*, of the time, place, and object of such meeting; and at such general meeting the shareholders present, either in person or by proxy, and who shall *before or* at the opening of such meeting have paid ten per cent. on the stock subscribed by them, shall elect *nine* persons to be directors of the said company, in manner, and qualified as hereinafter mentioned, *who*, together with *ex-officio* directors under the Railway Act or this Act, shall constitute a board of directors, and shall hold office until the first Tuesday of June in the year following their election.

First meeting  
for the election  
of directors.

**11.** The sums so paid shall not be withdrawn from the bank except for the purposes of this Act.

Loans and  
debentures  
deposited,  
application of,

**12.** The directors for the time being may from time to time make calls as they think fit, provided that no calls shall be made at any one time of more than ten per cent. of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call by notice published in one newspaper in each of the Counties of Wellington and Grey, and in the *Ontario Gazette*.

Calls.

**13.** Thereafter the general annual meeting of the shareholders of the company shall be held in such place, on such days and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least three weeks previously, in the *Ontario Gazette*, and one newspaper in each of the said Counties of Wellington and Grey.

General annu-  
al meetings.

**14.** Special general meetings of the shareholders of said company may be held in such places, and at such times and in such manner, and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

Special gener-  
al meetings.

**15.** In the election of directors under this Act, no person shall be elected a director unless he shall be the holder, and owner of at least ten shares of the stock of the said company upon which all calls have been paid up.

Qualification  
of directors


**16.** Aliens as well as British subjects, and whether resident in this Province, or elsewhere may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.


Shareholders  
right to vote,  
&c.


Quorum

Paid director

**17.** At all meetings of the board of directors, five *shall* form a quorum for transaction of business; and the said board of directors may employ one of their number as paid director.

 **18.** And it shall further be lawful for any municipality or any portion of any township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the said Company shall pass or be situate, to aid and assist the said Company, by loaning or guaranteeing, or giving money by way of bonus or other means to the Company, or issuing municipal bonds to, or in aid of the Company, and otherwise in such manner and to such extent as such municipality shall think expedient: Provided always, that when said bonds or debentures are granted by a portion of a township municipality, the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws by the ratepayers, as provided in the Municipal Act for the creation of debts.

 **19.** In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act.

 **20.** In case fifty persons, at least rated on the last revised assessment roll of any municipality, other than a county municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition express the desire of the said petitioners, to aid in the construction of the said railway, by giving a bonus to the said Company, and stating the amount which they so desire to grant and to be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is derived from any portion of a township municipality, if at least fifty of the persons, who are qualified voters as aforesaid, in any portion of the said township municipality do petition the council of the said municipality, to pass a by-law in such petition, defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners, to aid in the construction of the said railway by granting a bonus to the said Company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law and submit the same to the approval of the qualified voters of the said portion of such township municipality;

(1.) For raising the amount so petitioned for by such freeholders, for such portion of the municipality by the issue of the debentures of the municipality, payable in twenty years, or by annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus, at the times and on the terms specified in said petition;

(2.) For assessing and levying upon all the ratable property



lying within the section defined by said petition, an equal annual special rate, as near as may be sufficient to include a sinking fund for the re-payment of the debentures with interest thereon, or for the payment of the said yearly instalments and interest, said interest to be payable yearly or half-yearly.

**21.** And in case such by-law be approved or carried by the majority of the votes given thereon, then, within one month after the date of such voting, the said council shall read the said by-law a third time, and pass the same.

**22.** And within one month after the passing of such by-law, the said council and the warden, mayor, reeve or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

**23.** In case any bonus be so granted by a portion of a municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion, only of the municipality.

**24.** The provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by, or for a portion of a municipality, to the same extent as if the same had been passed by or for the whole municipality.

**25.** All by-laws to be submitted to such vote for granting bonuses to the said Company, not requiring the levy of a greater annual rate for all purposes, exclusive of school rates, than three cents on the dollar of the rateable property affected thereby, shall be valid.



**26.** It shall be lawful for the corporation of any municipality through any part of which the railway of the said Company passes or is situate, by by-law especially passed for that purpose, to exempt the said company and its property within such municipality either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years.

Powers to  
exempt from  
taxation.

**27.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the said Company, the debentures thereof shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named—one by the Lieutenant Governor in Council, one by the said company, and one by the majority of the councils of the municipality which have granted bonuses; all of the trustees to be residents of the Province of Ontario; Provided if the municipal council interested shall refuse or neglect to name a trustee within four weeks after notice in writing to them of the appointment by the Company, then the Company shall be at liberty to name such trustee; in the event of the death, resignation or inability, or refusal to



act, of any trustee, the party who originally appointed such trustees so dying, resigning or becoming incapable or unwilling to act, may appoint a successor; and in the event of such party failing for two weeks after notice in writing to make such appointment, the Company may appoint such trustee. 5

 28. The said trustees shall receive the said debentures in trust; firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Dominion, in the name of the Georgian Bay and Wellington Railway Company, 10 Municipal Trust Account, and to pay the same unto the Company from time to time on the certificate of the chief engineer of the said Company, in the form set out in schedule B hereto, or to the like effect, selling out how the money is to be applied, and that the sum so certified for is in pursuance of the terms 15 and conditions (if such there be) of the by-law, and such certificate is to be attached to the cheque drawn by the said trustees. 

The act of  
two trustees  
valid.

29. The act of any two of such trustees shall be as valid and binding as if the three had agreed. 20

Power to issue  
preferential  
bonds.

30. The directors of the said company, after the sanction of the shareholders shall have first been obtained, at any special general meeting to be called from time to time for that purpose, shall have power to issue bonds made and signed by the president or vice-president of the said company, and countersigned 25 by the secretary and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real 30 property of the Company, *including its rolling stock and equipments* then existing, and at any time thereafter acquired, and such holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company 35 as aforesaid: Provided however, that the whole amount of such issue of bonds shall not exceed in all, the sum of ten thousand dollars per mile, nor shall the amount of such bonds issued at any one time be in excess of the amount actually expended in surveys, purchase of right of way, and works of construction 40 and equipment upon the line of the said railway, or material actually purchased, paid for and delivered to the company within the Provinces of Ontario or Quebec; and provided even further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensu- 45 ing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is pro- 50 vided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Limit to  
bonds.

Rights of  
unpaid bond-  
holders.

Bonds, &c.,  
how payable

31. All such bonds, debentures and other securities and coupons and interest amounts thereon respectively, may be made 55

payable to bearer or transferable by delivery, and any holder of any such bonds, debentures or other securities so made payable to bearer may sue at law thereon in his own name.

**32.** The said company shall have power and authority to become parties to promissory notes or bills of exchange, made or endorsed by the president or vice-president of the company and countersigned by the secretary thereof, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted; Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange, payable to bearer or intended to be circulated as money, or as the notes or bills of banks.

Power to become parties to notes, &c.

**33.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or any part thereof, from time to time, as they may deem expedient.

Power to acquire whole lots, though less would suffice.

**34.** The railway shall be commenced within three years, and finally completed within seven years after the passing of this Act.

Limit of time, &c.

**35.** The said company hereby incorporated may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for the construction of the said railway or otherwise.

Power to pledge bonds.

**36.** The company incorporated by this Act, may enter into any arrangement with any other railway company or companies which is or are lawfully empowered to enter into such an agreement for the leasing or working of the said railway on such terms and conditions as the directors of the several companies may agree upon, or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof, for leasing or hiring any locomotives or other rolling stock or movable property from such companies or persons, and generally to make any agreement or agreements with any other companies touching the use by one or the other, or by both companies, of the railway or rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the contract terms thereof; Provided, that the

Arrangements may be made with other companies.

assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose according to the by-laws of the company, and the provisions of this Act; and the company or companies leasing or entering into such agreement for using the said railway, may, 5 and are hereby authorized to work the said railway, and in the same manner as if incorporated with its own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province. 10

#### SCHEDULE "A."

Know all by these presents, that I (or we) [insert the name or names of the vendors] in consideration of

dollars paid to me (or us) by the Georgian Bay *and* Wellington Railway Company the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [insert name of any other party or parties] in consideration of

paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or these certain parcels, as the case may be) of land (describe the land), the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances unto the said Georgian Bay *and* Wellington Railway Company, their successors and assigns, (here insert any other clauses, conditions and covenants required) and I (or we) wife (or wives) of the said

do hereby bar my (or our) dower in the said lands, in witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and seventy

Signed, sealed and delivered }  
in presence of }

(L.S.)

#### SCHEDULE "B."

##### *Chief Engineer's Certificate.*

The Georgian Bay *and* Wellington Railway Company's Office,  
Engineer's Department No. A. D., 187 ,

Certificate to be attached to Cheques drawn on the Georgian Bay *and* Wellington Railway Company Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's Reign.

I, A. B., Chief Engineer for the Georgian Bay *and* Wellington Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the Township of (or under the agreement dated the day of between the Corporation of and the said company) to entitle the said company to receive from the said trust the sum of (here set out the terms and conditions, if any, which have been fulfilled,





BILL.

An Act to incorporate the *Georgian Bay and Wellington Railway Company*.

*(Reprinted as Amended.)*

First Reading, 23rd January, 1878.

*(PRIVATE BILL.)*

Mr. HUNTER.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to incorporate the Georgian Bay *and Wellington* Railway Company.

**W**HEREAS the construction of a railway from the Town of Guelph, in the County of Wellington, the Town of Listowell in the County of Perth, the Village of Harriston in the County of Wellington or any intermediate point to the Town of Owen Sound or some other point or points on the Georgian Bay, via the Village of Mount Forest in the County of Wellington, and the Town of Durham in the County of Grey, has become necessary for the development of the resources of the said counties and the country adjacent thereto; and whereas William McDowell and others have petitioned that an Act may pass for the construction of said railway; and whereas it is expedient to grant the same:

Preamble.

Therefore, Her Majesty, by and with the consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** William McDowell, Alexander Meiklejohn, John Nasmith William W. Winfield, Thomas Swan, David Yeomans, Josiah Hampton, James McMullen, James Murdoch, Thomas Smith, George A. Drew, Gilbert McKechnie, Alexander C. McKenzie, Henry Parker, James H. Hunter, George Jackson, Finlay McRae, James Edge, Alexander M. Stephens, Richard Notter, Benjamin Allen, David McNicol, and William Kough, together with such persons and corporations as shall, in pursuance of this Act, become shareholders of the company hereby incorporated, are hereby declared to be a body corporate and politic, by the name of the Wellington and Georgian Bay Railway Company.

Incorporation and corporate name.

**2.** The several clauses of the "Railway Act" of Ontario, and the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "dividends," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties, and their prosecution," "by-laws, notices, &c." "working of the railway and general provisions," shall be deemed to be part of this Act, and shall apply to the said company, and to the railway to be constructed by them, except so far as may be inconsistent with the enactments *hereof*; and the expression "this Act," when used, shall be understood to include the clauses of the said Railway Act so incorporated with this Act as aforesaid.

Certain clauses of the Railway Act to apply.

**3.** The said company shall have full power and authority under this Act, to construct a railway from the Town of Guelph,

Location of line.

in the County of Wellington, the Town of Listowell, in the County of Perth, the Village of Harriston, in the County of Wellington, or any intermediate point to the Town of Owen Sound, in the County of Grey, or to some other point or points on the Georgian Bay, via the Village of Mount Forest in the said County of Wellington, and the Town of Durham in the said County of Grey. 5

Gauge.

4. The gauge of the said railway shall not be less than four feet eight and a half inches.

Conveyances  
how made,  
and registered.

5. Conveyances of lands to the said company for the purposes of this Act may be made in the form set out in the Schedule (Schedule A.) hereunder written, or to the like effect; and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate endorsed on the duplicate thereof. 10 15

Provisional  
directors.

6. From and after the passing of this Act, the said William McDowell, Alexander Meiklejohn, John Nasmith, William W. Winfield, Thomas Swan, David Yeomans, Josiah Hampton, James Murdoch, Thomas Smith, George A. Drew, Gilbert McKechnie, Alexander C. McKenzie, Henry Parker, James H. Hunter, George Jackson, Finlay McRae, James Edge, David McNicol, Alexander M. Stephens, Richard Notter, Benjamin Allen, and William Kough shall be the provisional directors of the said company. 20 25

Powers of pro-  
visional  
directors.

7. The said provisional directors, until others shall be appointed as hereinafter provided, shall constitute the board of directors of the said company with power to fill vacancies occurring therein, to associate with themselves thereon not more than three other persons, who upon being so appointed shall become and be provisional directors of the company equally with themselves, to open stock-books and to procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be executed, and to cause a general meeting of the shareholders for the election of directors as hereinafter provided, and with all such other powers as under the "Railway Act," are vested in such boards. 30 35

Authority to  
appropriate  
lands.

8. It shall and may be lawful for the said company to pass over any portions of the country between the points in the third section mentioned, and to carry the said railway through the Crown lands lying between the points aforesaid, and to take and appropriate for the use of the said railway and the works connected therewith, so much of the land as may be necessary for the works of the said railway. 40 45

Capital stock.

9. The capital of the company hereby incorporated shall be one hundred thousand dollars with power to increase the same in the manner provided by the said Railway Act, to be divided into two thousand shares, of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such body; and the money so raised shall be applied in the first place for the payment of all expenses for procuring 50



the passing of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway, and the purposes of this Act.

10. When and as soon as shares to the amount of twenty-five thousand dollars, in the capital stock of the company shall have been subscribed and ten per centum shall have been paid into one of the chartered banks of the Dominion, the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least three week's notice in two newspapers, one published in the County of Grey, and one in the County of Wellington, and in the *Ontario Gazette*, of the time, place, and object of such meeting; and at such general meeting the shareholders present, either in person or by proxy, and who shall *before or* at the opening of such meeting have paid ten per cent. on the stock subscribed by them, shall elect *nine* persons to be directors of the said company, in manner, and qualified as hereinafter mentioned, *who*, together with *ex-officio* directors under the Railway Act or this Act, shall constitute a board of directors, and shall hold office until the first Tuesday of June in the year following their election.

First meeting  
for the election  
of directors.

11. The sums so paid shall not be withdrawn from the bank except for the purposes of this Act.

Loans and  
debentures  
deposited,  
application

12. The directors for the time being may from time to time make calls as they think fit, provided that no calls shall be made at any one time of more than ten per cent. of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call by notice published in one newspaper in each of the Counties of Wellington and Grey, and in the *Ontario Gazette*.

Calls.

13. Thereafter the general annual meeting of the shareholders of the company shall be held in such place, on such days and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least three weeks previously, in the *Ontario Gazette*, and one newspaper in each of the said Counties of Wellington and Grey.

General annu  
al meetings.

14. Special general meetings of the shareholders of said company may be held in such places, and at such times and in such manner, and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

Special gener-  
al meetings.

15. In the election of directors under this Act, no person shall be elected a director unless he shall be the holder, and owner of at least ten shares of the stock of the said company upon which all calls have been paid up.

Qualification  
of directors

16. Aliens as well as British subjects, and whether resident in this Province, or elsewhere may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

Shareholders  
right to vote,  
&c.



Quorum

Paid director

17. At all meetings of the board of directors, five *shall* form a quorum for transaction of business ; and the said board of directors may employ one of their number as paid director.

18. And it shall further be lawful for any municipality or any portion of any township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the said Company shall pass or be situate, to aid and assist the said Company, by loaning or guaranteeing, or giving money by way of bonus or other means to the Company, or issuing municipal bonds to, or in aid of the Company, and otherwise in such manner and to such extent as such municipality shall think expedient: Provided always, that when said bonds or debentures are granted by a portion of a township municipality, the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws by the ratepayers, as provided in the Municipal Act for the creation of debts.

19. In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act.

20. In case fifty persons, at least rated on the last revised assessment roll of any municipality, other than a county municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition express the desire of the said petitioners, to aid in the construction of the said railway, by giving a bonus to the said Company, and stating the amount which they so desire to grant and to be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters ; and in case aid is derived from any portion of a township municipality, if at least fifty of the persons, who are qualified voters as aforesaid, in any portion of the said township municipality do petition the council of the said municipality, to pass a by-law in such petition, defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners. to aid in the construction of the said railway by granting a bonus to the said Company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law and submit the same to the approval of the qualified voters of the said portion of such township municipality ;

(1.) For raising the amount so petitioned for by such freeholders, for such portion of the municipality by the issue of the debentures of the municipality, payable in twenty years, or by annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus, at the times and on the terms specified in said petition ;

(2.) For assessing and levying upon all the ratable property

lying within the section defined by said petition, an equal annual special rate, as near as may be sufficient to include a sinking fund for the re-payment of the debentures with interest thereon, or for the payment of the said yearly instalments and interest, said interest to be payable yearly or half-yearly.

**21.** And in case such by-law be approved or carried by the majority of the votes given thereon, then, within one month after the date of such voting, the said council shall read the said by-law a third time, and pass the same.

**22.** And within one month after the passing of such by-law, the said council and the warden, mayor, reeve or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

**23.** In case any bonus be so granted by a portion of a municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion, only of the municipality.

**24.** The provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by, or for a portion of a municipality, to the same extent as if the same had been passed by or for the whole municipality.

**25.** All by-laws to be submitted to such vote for granting bonuses to the said Company, not requiring the levy of a greater annual rate for all purposes, exclusive of school rates than three cents on the dollar of the rateable property affected thereby, shall be valid.



**26.** It shall be lawful for the corporation of any municipality through any part of which the railway of the said Company passes or is situate, by by-law especially passed for that purpose, to exempt the said company and its property within such municipality either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years.

Powers to exempt from taxation.

**27.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the said Company, the debentures thereof shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named—one by the Lieutenant Governor in Council, one by the said company, and one by the majority of the councils of the municipality which have granted bonuses; all of the trustees to be residents of the Province of Ontario; Provided if the municipal council interested shall refuse or neglect to name a trustee within four weeks after notice in writing to them of the appointment by the Company, then the Company shall be at liberty to name such trustee; in the event of the death, resignation or inability, or refusal to

act, of any trustee, the party who originally appointed such trustees so dying, resigning or becoming incapable or unwilling to act, may appoint a successor; and in the event of such party failing for two weeks after notice in writing to make such appointment, the Company may appoint such trustee.

5

 28. The said trustees shall receive the said debentures in trust; firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Dominion, in the name of the Georgian Bay and Wellington Railway Company, 10 Municipal Trust Account, and to pay the same unto the Company from time to time on the certificate of the chief engineer of the said Company, in the form set out in schedule B hereto, or to the like effect, setting out how the money is to be applied, and that the sum so certified for is in pursuance of the terms 15 and conditions (if such there be) of the by-law, and such certificate is to be attached to the cheque drawn by the said trustees. 

The act of  
two trustees  
valid.

29. The act of any two of such trustees shall be as valid and binding as if the three had agreed.

20

Power to issue  
preferential  
bonds.

30. The directors of the said company, after the sanction of the shareholders shall have first been obtained, at any special general meeting to be called from time to time for that purpose, shall have power to issue bonds made and signed by the president or vice-president of the said company, and countersigned 25 by the secretary and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the *real* 30 property of the Company, *including its rolling stock and equipments* then existing, and at any time thereafter acquired, and such holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company 35 as aforesaid: Provided however, that the whole amount of such issue of bonds shall not exceed in all, the sum of ten thousand dollars per mile, nor shall the amount of such bonds issued at any one time be in excess of the amount actually expended in surveys, purchase of right of way, and works of construction 40 and equipment upon the line of the said railway, or material actually purchased, paid for and delivered to the company within the Provinces of Ontario or Quebec; and provided even further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensu- 45 ing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is pro- 50 vided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Limit to  
bonds:

Rights of  
unpaid bond-  
holders.

Bonds, &c.,  
how payable

31. All such bonds, debentures and other securities and coupons and interest amounts thereon respectively, may be made 55



payable to bearer or transferable by delivery, and any holder of any such bonds, debentures or other securities so made payable to bearer may sue at law thereon in his own name.

**32.** The said company shall have power and authority to become parties to promissory notes or bills of exchange, made or endorsed by the president or vice-president of the company and countersigned by the secretary thereof, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted; Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange, payable to bearer or intended to be circulated as money, or as the notes or bills of banks.

Power to become parties to notes, &c:

**33.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of the railway Act shall not apply to this section.

Power to acquire whole lots, though less would suffice.

**34.** When stone, gravel, earth or sand is or are required for the construction or maintainance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of the railway Act as varied and modified by the special Acts relating to the said company, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take material for any time they shall think necessary; in case of arbitration is resorted to, to state the interest required.

Acquiring gravel, &c. for construction of railway.

**35.** When said gravel, stone, earth or sand shall be taken under the preceding section of this Act at a distance

Siding to gravel pits.



from the line of the railway, the company may lay down the necessary siding and tracks, over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the railway Act, and of the special Acts relating to said company's Act, except such as relate to filing plans and publications of notice shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding sections may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

2. When estimating the damages for the taking of gravel, stone, earth or sand, subsection eight of chapter twenty of the Act respecting railways shall not apply.

Limit of time,  
&c.

**36.** The railway shall be commenced within three years, and finally completed within seven years after the passing of this Act.

Power to  
pledge bonds.

**37.** The said company hereby incorporated may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for the construction of the said railway or otherwise.

Arrangements  
may be made  
with other  
companies

**38.** The company incorporated by this Act, may enter into any arrangement with any other railway company or companies which is or are lawfully empowered to enter into such an agreement for the leasing or working of the said railway on such terms and conditions as the directors of the several companies may agree upon, or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof, for leasing or hiring any locomotives or other rolling stock or movable property from such companies or persons, and generally to make any agreement or agreements with any other companies touching the use by one or the other, or by both companies, of the railway or rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the contract terms thereof; Provided, that the assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose according to the by-laws of the company, and the provisions of this Act; and the company or companies leasing or entering into such agreement for using the said railway, may, and are hereby authorized to work the said railway, and in the same manner as if incorporated with its own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

#### SCHEDULE "A."

Know all by these presents, that I (or we) [insert the name or names of the vendors] in consideration of

dollars paid to me (or us) by the Georgian Bay and Wellington Railway Company the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [insert name

of any other party or parties] in consideration of

paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or these certain parcels, as the case may be) of land (describe the land), the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances unto the said Georgian Bay and Wellington Railway Company, their successors and assigns, (here insert any other clauses, conditions and covenants required) and I (or we) wife (or wives) of the said

do hereby bar my (or our) dower in the said lands, in witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and seventy

Signed, sealed and delivered }  
in presence of }

(L.S.)

### SCHEDULE "B."

#### *Chief Engineer's Certificate.*

The Georgian Bay and Wellington Railway Company's Office,  
Engineer's Department No. A. D., 187 ,

Certificate to be attached to Cheques drawn on the Georgian Bay and Wellington Railway Company Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's Reign.

I, A. B., Chief Engineer for the Georgian Bay and Wellington Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the Township of (or under the agreement dated the day of between the Corporation of and the said company) to entitle the said company to receive from the said trust the sum of (here set out the terms and conditions, if any, which have been fulfilled,

BILL,

An Act to incorporate the *Georgian Bay*  
and *Wellington* Railway Company.

*(Reprinted as amended.)*

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First Reading, 23rd January, 1878.

Second " 11th February, 1878.

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*(PRIVATE BILL.)*

MR. HUNTER.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to enable the Corporation of Leeds and Grenville to sell certain lands.

**W**HEREAS by Letters Patent bearing date the fourteenth day of September, one thousand eight hundred and forty-five, the following lands and premises were granted by the Crown to the Council of the District of Johnstown, their successors and assigns for ever, viz. : All that parcel or tract of land, situate in the Town of Johnstown, in the County of Grenville, in the District of Johnstown, containing by admeasurement four acres, be the same more or less, being composed of the block of land bounded by Queen Street and Charlotte Street produced, and by Water Street and the River St. Lawrence in the said Town of Johnstown, reserving free access to the beach for all vessels, boats, and persons, to have and to hold the said parcel or tract of land thereby given and granted to the said Council of the District of Johnstown, for ever, in trust for the use of the inhabitants of the said District; And whereas by Letters Patent bearing date the 6th day of November, one thousand eight hundred and forty-seven, certain other lands were granted for public purposes by the Crown to the Council of the District of Johnstown, their successors and assigns for ever, viz. : All that parcel or tract of land situate in the Town of Johnstown, in the County of Grenville, in the District of Johnstown, containing by admeasurement two acres, be the same more or less, being composed of the broken fronts between the River St. Lawrence and that part of Water Street in front of lots numbers five and six in the said Town of Johnstown, that is to say: Commencing at the water's edge of the River St. Lawrence, in the eastern limit of Augusta Street, produced; then north forty-four degrees west three chains fifty links more or less to Water Street; then north, forty-six degrees, east six chains thirty-four links, more or less, to Elizabeth Street produced; then south forty-four degrees east three chains more or less to the River St. Lawrence; then south-westerly along the water's edge to the place of beginning, reserving free access to the shore for all vessels, boats and persons; And whereas the said Municipal Corporation of the United Counties of Leeds and Grenville is now the owner of the above-mentioned lands and premises, to whom the said lands and premises are of no advantage or profit; And whereas it is therefore desirable that they should be disposed of by sale or otherwise by the said municipal corporation :

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :



Power to sell  
lands in  
Johnstown.

1. The Corporation of the United Counties of Leeds and Grenville shall have the same power to sell or otherwise dispose of the lands and premises in the preamble described, or of any part or parcel thereof as any person has with regard to lands of which he is seized in fee simple absolute.

5

Third Session, Third Parliament, 41 Vic., 1878.

# BILL.

An Act to enable the Corporation of Leeds and Grenville to sell certain lands.

First Reading, 1878.

(PRIVATE BILL.)

Hon. Mr. CAMERON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

## An Act to confirm sales made by the Order of Good Templars.

WHEREAS by deed bearing date the nineteenth day of Preamble.

October, in the year of our Lord one thousand eight hundred and forty-nine, one George Carter did grant and convey unto the Reverend Henry Only Croft, John Plummer, 5 waggon maker; George Jackson, iron founder; John Egar, cabinet maker; Robert Gunn, shoemaker; Alexander Johnston, shoemaker; William Darvell, joiner; John Raynard, merchant; Stephen Saunders, joiner; Caleb Griffiths, joiner; Joseph Oates, blacksmith; Charles Cook, draper; Richard Winsor, bricklayer; 10 John Packy, waggon maker; George Watson, joiner, all of the then Town (now City) of London, in the County of Middlesex, and Province of Ontario, and James Williams, of North Dorchester, in the county and province aforesaid, all that certain lot, parcel or tract of land and premises situate, lying and being 15 in the then Town (now City) of London, in the County of Middlesex, containing by admeasurement the seventh part of an acre be the same more or less being composed of the south part of lot number five on the south side of Dundas Street in the said then Town (now City) of London, and is butted and bounded 20 or may be otherwise known as follows, that is to say commencing on the east side of Clarence Street at the south west angle of said lot; then northerly along Clarence Street sixty feet; then easterly parallel with Dundas Street, one hundred and ten feet more or less to the easterly limit of said lot; then southerly 25 parallel with Clarence Street sixty feet to the centre of the block; then westerly parallel with Dundas Street, one hundred and ten feet more or less to the place of beginning: To have and to hold the same unto them and their successors in trust for the site of a church and Sabbath school for the use of the members of the Wesleyan Methodist New Connexion Church: 30 and whereas the said Wesleyan Methodist New Connexion Church was frequently called and known by the name of the Methodist New Connexion Church of Canada, and by such name became united with other religious bodies by virtue of An Act of the Parliament of the Province of Ontario, passed in the thirty-eighth year of Her Majesty's Reign, intituled "An 35 Act respecting the Methodist Church of Canada" under the name of "The Methodist Church of Canada;" and whereas it being necessary and desirable to dispose of the said land the said trustees and their successors in office, did by and with the consent and approbation of The London Conference of the said 40 The Methodist Church of Canada, by deed dated the twenty-fifth day of July, in the year of our Lord one thousand eight hundred and seventy-six grant and convey the said lands to Marvin Knowlton, lumber merchant; John B. Loftus, carpen-

ter; Edmund Baynes Reed, barrister-at-law; Edwin K. Slater, painter; Robert Munro, carriage trimmer; George Webster, gentleman; Warren Rock, barrister-at-law; and William H. Winnet, lumber merchant, all of the said City of London, as trustees on behalf of the Morrill Lodge of the Independent 5 Order of Good Templars, a subordinate Temple of the Independent order of Good Templars of Canada, being the Morrill Temple, No. 181, of London, Ontario; And whereas the said Marvin Knowlton, John B. Loftus, Edmund Baynes Reed, Edwin K. Slater, Robert Munro, George Webster, Warren Rock, 10 and William H. Winnet, as trustees of the said The Morrill Temple, No. 181, of the City of London, Ontario, did by and with the consent of the said The Morrill Temple, by deed dated the twenty-first day of June, in the year of our Lord eight hundred and seventy-seven, grant and convey the said lands to 15 William Glass and Thomas McCormick, of the City of London, to have and to hold to them their heirs and assigns forever; And whereas it was intended by the provisions of the Act passed in the twenty-seventh and twenty-eighth years of the reign of Her Majesty, chaptered one hundred and forty, intitled "An Act to Incorporate The Grand Temple and sub- 20 ordinat Temples of the Independent Order of Good Templars of Canada," to confer upon subordinate temples, the power and privilege to acquire and hold land and immovable estate, and to sell, lease or otherwise dispose of it as they might see fit, but 25 by mistake such power and privilege were not granted, and many subordinate lodges have acquired land and many have sold lands acquired by them; And whereas it is deemed desirable to so amend the said Act passed in the twenty-seventh and twenty-eighth years of the reign of Her Majesty, chaptered one 30 hundred and forty, as to grant to subordinate temples the powers and privileges above referred to and to sanction and confirm all grants and conveyances of land heretofore made to and by such subordinate lodges or by any one on their behalf, and also to sustain and confirm the sales, grants and conveyances to and by the trustees on behalf of the said Morrill Temple above referred 35 to;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

27, 28 Vic. c.  
140, sec. 4  
amended.

1. The fourth section of An Act of the Legislature of Canada 40 passed in the twenty-seventh and twenty-eighth years of Her Majesty's reign, chaptered one hundred and forty, intitled "An Act to Incorporate The Grand Temple and Subordinate Temples of the Independent Order of Good Templars of Canada," shall be and the same is hereby amended by striking out the 45 word "first" in the ninth line of the said fourth section and inserting the word "second" in lieu thereof; and the said fourth section shall be construed as though the said word "second" had been inserted there at the time of the passing of the said Act.

Sales made by  
subordinate  
lodges con-  
firmed.

2. All and every sale or sales, grants, conveyances or other 50 dispositions of land or immovable estate heretofore made to or by any subordinate temple in the Province of Ontario duly incorporated under said Act, or to or by any person or persons as trustees for any such subordinate temple in Ontario are hereby sanctioned and confirmed, and declared to be legal and binding according to the terms and tenor thereof, as though the

said Act had been originally passed as amended by the preceding section of this Act; and such conveyance by any such subordinate temple or any person or persons as trustees for any such subordinate temple shall be held to have passed, and are  
 5 hereby declared to have passed to the purchasers all the right, title and interest which such subordinate temple, or any member thereof, or such trustee had in or to such lands or immovable estate at the time of such conveyances.

3. The sale and conveyance by the trustees of the Methodist Church of Canada to Marvin Knowlton and others, above  
 10 referred to, and the sale and conveyance by the said Marvin Knowlton and his co-trustees to the said William Glass and Thomas McCormick above referred to, are hereby sanctioned and confirmed, and declared valid and effectual to pass to the said William Glass and Thomas McCormick and their heirs and assigns an estate in fee simple in the said land above particularly described.

Sale to M.  
Knowlton, &c.,  
confirmed.



Third Session, Third Parliament, 41 Vic. 1878.

BILL,

An Act to confirm sales made by the Order  
of Good Templars.

First Reading,	1878.
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(*PRIVATE BILL.*)

MR. MEREDITH.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to confirm sales made by the Order of Good  
Templars.

WHEREAS by deed bearing date the nineteenth day of Preamble.  
October, in the year of our Lord one thousand eight hundred and forty-nine, one George Carter did grant and convey unto the Reverend Henry Only Croft, John Plummer,  
5 waggon maker, George Jackson, iron founder, John Egar, cabinet maker, Robert Gunn, shoemaker, Alexander Johnston, shoemaker, William Darvell, joiner, John Raynard, merchant, Stephen Saunders, joiner, Caleb Griffiths, joiner, Joseph Oates, blacksmith, Charles Cook, draper, Richard Winsor, bricklayer,  
10 John Pacey, waggon maker, George Watson, joiner, all of the then Town (now City) of London, in the County of Middlesex, and Province of Ontario, and James Williams, of North Dorchester, in the county and province aforesaid, all that certain lot, parcel or tract of land and premises situate, lying and being  
15 in the then Town (now City) of London, in the County of Middlesex, containing by admeasurement the seventh part of an acre be the same more or less being composed of the south part of lot number five on the south side of Dundas Street in the said then Town (now City) of London, and butted and bounded  
20 or may be otherwise known as follows, that is to say commencing on the east side of Clarence Street at the south west angle of said lot; then northerly along Clarence Street sixty feet; then easterly parallel with Dundas Street, one hundred and ten feet more or less to the easterly limit of said lot; then southerly  
25 parallel with Clarence Street sixty feet to the centre of the block; then westerly parallel with Dundas Street, one hundred and ten feet more or less to the place of beginning: To have and to hold the same unto them and their successors in trust for the site of a church and Sabbath school for the use of the  
30 members of the Wesleyan Methodist New Connexion Church: and whereas the said Wesleyan Methodist New Connexion Church was frequently called and known by the name of the Methodist New Connexion Church of Canada, and by such name became united with other religious bodies by virtue of  
35 An Act of the Parliament of the Province of Ontario, passed in the thirty-eighth year of Her Majesty's Reign, intituled "An Act respecting the Methodist Church of Canada" under the name of "The Methodist Church of Canada;" and whereas it being necessary and desirable to dispose of the said land the said  
40 trustees and their successors in office, did by and with the consent and approbation of The London Conference of the said The Methodist Church of Canada, by deed dated the twenty-fifth day of July, in the year of our Lord one thousand eight hundred and seventy-six grant and convey the said lands to  
45 to Marvin Knowlton, lumber merchant, John B. Loftus, carpen-

ter, Edmund Baynes Reed, barrister-at-law, Edwin K. Slater, painter, Robert Munro, carriage trimmer, George Webster, gentleman; Warren Rock, barrister-at-law; and William H. Winnet, lumber merchant, all of the said City of London, as trustees on behalf of the Morrill Lodge of the Independent 5 Order of Good Templars, a subordinate Temple of the Independent order of Good Templars of Canada, being the Morrill Temple, No. 181, of London, Ontario; And whereas the said Marvin Knowlton, John B. Loftus, Edmund Baynes Reed, Edwin K. Slater, Robert Munro, George Webster, Warren Rock, 10 and William H. Winnet, as trustees of the said The Morrill Temple, No. 181, of the City of London, Ontario, did by and with the consent of the said The Morrill Temple, by deed dated the twenty-first day of June, in the year of our Lord eight hundred and seventy-seven, grant and convey the said lands to 15 William Glass and Thomas McCormick, of the City of London, to have and to hold to them their heirs and assigns forever; And whereas it was intended by the provisions of the Act passed in the twenty-seventh and twenty-eighth years of the reign of Her Majesty, chaptered one hundred and forty, in- 20 titled "An Act to Incorporate The Grand Temple and subordinate Temples of the Independent Order of Good Templars of Canada," to confer upon subordinate temples, the power and privilege to acquire and hold land and immovable estate, and to sell, lease or otherwise dispose of it as they might see fit, but 25 by mistake such power and privilege were not granted, and many subordinate lodges have acquired land and many have sold lands acquired by them; And whereas it is deemed desirable to so amend the said Act passed in the twenty-seventh and twenty-eighth years of the reign of Her Majesty, chaptered one 30 hundred and forty, as to grant to subordinate temples the powers and privileges above referred to and to sanction and confirm all grants and conveyances of land heretofore made to and by such subordinate lodges or by any one on their behalf, and also to sustain and confirm the sales, grants and conveyances to and by 35 the trustees on behalf of the said Morrill Temple above referred to;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

40

27, 28 Vic. c.  
140, sec. 4  
amended.

**1.** The fourth section of An Act of the Legislature of Canada passed in the twenty-seventh and twenty-eighth years of Her Majesty's reign, chaptered one hundred and forty, intituled "An Act to Incorporate The Grand Temple and Subordinate 45 Temples of the Independent Order of Good Templars of Canada," shall be and the same is hereby amended by striking out the word "first" in the ninth line of the said fourth section and inserting the word "second" in lieu thereof; and the said fourth section shall be construed as though the said word "second" had been inserted there at the time of the passing of the said Act. 50

Sales made by  
subordinate  
lodges con-  
firmed.

**2.** All and every sale or sales, grants, conveyances or other dispositions of land or immovable estate heretofore made to or by any subordinate temple in the Province of Ontario duly incorporated under said Act, or to or by any person or persons as trustees for any such subordinate temple in Ontario are 55 hereby sanctioned and confirmed, and declared to be legal and binding according to the terms and tenor thereof, as though the

said Act had been originally passed as amended by the preceding section of this Act ; and such conveyance by any such subordinate temple or any person or persons as trustees for any such subordinate temple shall be held to have passed, and are  
 5 hereby declared to have passed to the purchasers all the right, title and interest which such subordinate temple, or any member thereof, or such trustee had in or to such lands or immovable estate at the time of such conveyances.

3. The sale and conveyance by the trustees of the Methodist Church of Canada to Marvin Knowlton and others, above referred to, and the sale and conveyance by the said Marvin Knowlton and his co-trustees to the said William Glass and Thomas McCormick above referred to, are hereby sanctioned and confirmed, and declared as valid and effectual to pass to the  
 10 said William Glass and Thomas McCormick and their heirs and assigns an estate in fee simple in the said land above particularly described *as if the said Act of the Legislature of Canada had been originally passed as amended by the first section*  
 15 *hereof.*

Sale to M.  
 Knowlton, &c.,  
 confirmed.



No. 29.

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Third Session, Third Parliament, 41 Vic. 1878.

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BILL.

An Act to confirm sales made by the Order  
of Good Templars.

*(Reprinted as Amended.)*

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First Reading, 23rd January, 1878.

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*(PRIVATE BILL.)*

MR. MEREDITH.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to confirm sales made by the Order of Good Templars.

WHEREAS by deed bearing date the nineteenth day of Preamble.

October, in the year of our Lord one thousand eight hundred and forty-nine, one George Carter did grant and convey unto the Reverend Henry Only Croft, John Plummer, 5 waggon maker, George Jackson, iron founder, John Egar, cabinet maker, Robert Gunn, shoemaker, Alexander Johnston, shoemaker, William Darvill, joiner, John Raynard, merchant, Stephen Saunders, joiner, Caleb Griffiths, joiner, Joseph Oates, blacksmith, Charles Cook, draper, Richard Winsor, bricklayer, 10 John Pacey, waggon maker, George Watson, joiner, all of the then Town (now City) of London, in the County of Middlesex, and Province of Ontario, and James Williams, of North Dorchester, in the county and province aforesaid, all that certain lot, parcel or tract of land and premises situate, lying and being 15 in the then Town (now City) of London, in the County of Middlesex, containing by admeasurement the seventh part of an acre be the same more or less being composed of the south part of lot number five on the south side of Dundas Street in the said then Town (now City) of London, and butted and bounded 20 or may be otherwise known as follows, that is to say commencing on the east side of Clarence Street at the south west angle of said lot; then northerly along Clarence Street sixty feet; then easterly parallel with Dundas Street, one hundred and ten feet more or less to the easterly limit of said lot; then southerly 25 parallel with Clarence Street sixty feet to the centre of the block; then westerly parallel with Dundas Street, one hundred and ten feet more or less to the place of beginning: To have and to hold the same unto them and their successors in trust for the site of a church and Sabbath school for the use of the 30 members of the Wesleyan Methodist New Connexion Church: and whereas the said Wesleyan Methodist New Connexion Church was frequently called and known by the name of the Methodist New Connexion Church of Canada, and by such name became united with other religious bodies by virtue of 35 An Act of the Parliament of the Province of Ontario, passed in the thirty-eighth year of Her Majesty's Reign, intituled "An Act respecting the Methodist Church of Canada" under the name of "The Methodist Church of Canada;" and whereas it being necessary and desirable to dispose of the said land the said 40 trustees and their successors in office, did by and with the consent and approbation of The London Conference of the said The Methodist Church of Canada, by deed dated the twenty-fifth day of July, in the year of our Lord one thousand eight hundred and seventy-six grant and convey the said lands to 45 to Marvin Knowlton, lumber merchant, John B. Loftus, carpen-

ter, Edmund Baynes Reed, barrister-at-law, Edwin K. Slater, painter, Robert Munro, carriage trimmer, George Webster, gentleman; Warren Rock, barrister-at-law; and William H. Winnet, lumber merchant, all of the said City of London, as trustees on behalf of the Morrill Lodge of the Independent 5 Order of Good Templars, a subordinate Temple of the Independent order of Good Templars of Canada, being the Morrill Temple, No. 181, of London, Ontario; And whereas the said Marvin Knowlton, John B. Loftus, Edmund Baynes Reed, Edwin K. Slater, Robert Munro, George Webster, Warren Rock, 10 and William H. Winnet, as trustees of the said The Morrill Temple, No. 181, of the City of London, Ontario, did by and with the consent of the said The Morrill Temple, by deed dated the twenty-first day of June, in the year of our Lord eight hundred and seventy-seven, grant and convey the said lands to 15 William Glass and Thomas McCormick, of the City of London, to have and to hold to them their heirs and assigns forever; And whereas it was intended by the provisions of the Act passed in the twenty-seventh and twenty-eighth years of the reign of Her Majesty, chaptered one hundred and forty, in- 20 titled "An Act to Incorporate The Grand Temple and subordinate Temples of the Independent Order of Good Templars of Canada," to confer upon subordinate temples, the power and privilege to acquire and hold land and immovable estate, and to sell, lease or otherwise dispose of it as they might see fit, but 25 by mistake such power and privilege were not granted, and many subordinate temples have acquired land and many have sold lands acquired by them; And whereas it is deemed desirable to so amend the said Act passed in the twenty-seventh and twenty-eighth years of the reign of Her Majesty, chaptered one 30 hundred and forty, as to grant to subordinate temples the powers and privileges above referred to and to sanction and confirm all grants and conveyances of land heretofore made to and by such subordinate temples or by any one on their behalf, and also to *sanction* and confirm the sales, grants and conveyances to and by 35 the trustees on behalf of the said Morrill Temple above referred to;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:— 40

27, 28 Vic. c.  
140, sec. 4  
amende.

1. The fourth section of An Act of the Legislature of Canada passed in the twenty-seventh and twenty-eighth years of Her Majesty's reign, chaptered one hundred and forty, intituled "An Act to Incorporate The Grand Temple and Subordinate Temples of the Independent Order of Good Templars of Canada," 50 shall be and the same is hereby amended by striking out the word "first" in the ninth line of the said fourth section and inserting the word "second" in lieu thereof; and the said fourth section shall be construed as though the said word "second" had been inserted there at the time of the passing of the said Act. 55

Sales made by  
subordinate  
lodges con-  
firmed.

2. All and every sale or sales, grants, conveyances or other dispositions of land or immovable estate heretofore made to or by any subordinate temple in the Province of Ontario duly incorporated under said Act, or to or by any person or persons as trustees for any such subordinate temple in Ontario are 60 hereby sanctioned and confirmed, and declared to be legal and binding according to the terms and tenor thereof, as though the

said Act had been originally passed as amended by the preceding section of this Act; and such conveyance by any such subordinate temple or any person or persons as trustees for any such subordinate temple shall be held to have passed, and are  
 5 hereby declared to have passed to the purchasers all the right, title and interest which such subordinate temple, or any member thereof, or such trustee had in or to such lands or immovable estate at the time of such conveyances; ~~and~~ provided always that this Act shall not affect any case pending at the time of  
 10 the passing of this Act, in or theretofore finally adjudged by the Courts of Law or Equity in Ontario. ~~and~~

3. The sale and conveyance by the trustees of the Methodist Church of Canada to Marvin Knowlton and others, above referred to, and the sale and conveyance by the said Marvin  
 15 Knowlton and his co-trustees to the said William Glass and Thomas McCormick above referred to, are hereby sanctioned and confirmed, and declared as valid and effectual to pass to the said William Glass and Thomas McCormick and their heirs and assigns an estate in fee simple in the said land above par-  
 20 ticularly described *as if the said Act of the Legislature of Canada had been originally passed as amended by the first section hereof.*

Sale to M.  
Knowlton, &c.,  
confirmed.



100. 49.  

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Third Session, Third Parliament, 41 Vic. 1878.

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BILL.

An Act to confirm sales made by the Order  
of Good Templars.

*(Reprinted as Amended.)*

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First Reading, 23rd January, 1878.

Second " 6th February, 1878.

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*(PRIVATE BILL.)*

Mr. MEREDITH.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO

An Act to Incorporate the Equitable Fire Insurance  
Company of Hamilton.

WHEREAS John Barry, John Eastwood, E. S. Whipple, Preamble,

Robert Chisholm, Donald McPhie, William A. H. Duff  
and Edward Hilton, of the City of Hamilton, Esquires, have  
petitioned the Legislature of the Province of Ontario that a  
company be incorporated under the name of "The Toronto and  
Hamilton Fire Insurance Company," for the purpose of carry-  
ing on the business of fire insurance, and insuring property  
against damage or injury by fire, explosion or other cause of  
injury or loss, and re-insuring property real and personal, in-  
sured by any other company, and whereas it is expedient to  
grant their prayer;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. The persons hereinbefore mentioned, after having complied  
with the requirements of this Act as to the subscription of  
stock, and such persons as now are or hereafter shall become  
shareholders of the said company, shall be and are hereby  
created, constituted and declared to be a body corporate, and  
politic, in law and fact, by the name of "The Equitable Fire  
Insurance Company of Hamilton," for the purpose of carrying  
on the business of fire insurance and all things appertaining  
thereto or connected therewith in the Province of Ontario, and  
shall have, and may have perpetual succession, and shall be  
capable in law of contracting, and being contracted with, and  
suing and being sued, pleading and being impleaded in any  
court of law or equity in the Province of Ontario, in their cor-  
porate name aforesaid; and they and their successors shall have  
a common seal and may change the same at their will and  
pleasure.

2. The stock of the company shall be two hundred and fifty  
thousand dollars, divided into two thousand five hundred shares  
of one hundred dollars each; which said shares shall be and  
are hereby vested in the several persons who shall subscribe for  
the same, their legal representatives and assigns, subject to the  
provisions of this Act: Provided that the board of directors  
may by a vote of the shareholders at their special meeting  
called for that purpose increase the amount of the capital stock  
at any time, or from time to time to an amount not exceeding  
in the whole one million of dollars.

3. None of the persons or bodies corporate who may sub-  
scribe for stock shall be liable for any further sum than the un-  
paid amount upon the stock subscribed for; and the shares shall  
be deemed personal estate.

Incorporation  
and corporate  
name.

Liabilities of  
stockholders.

Provisional  
board.

4. Until the election of directors hereinafter provided for, the provisional board of directors shall consist of John Barry, John Eastwood, E. S. Whipple, Robert Chisholm, Donald McPhie, William A. H. Duff and Edward Hilton.

Their powers.

5. The provisional board of directors (or if any of the said provisional directors shall die or resign, those remaining directors or a majority of them) shall have power to open stock books at such places as they may direct, and to keep the same open so long as they deem it necessary; and the provisional directors or their survivors or a majority of them are hereby authorized to receive from the shareholders a deposit of fifteen per centum of the amount of stock subscribed by such persons respectively; and are hereby required to pay out of such deposit all the costs, charges, and expenses, incurred in the application for and the obtaining of this Act, and of the organizing of the said company; and shall hold office until the first regular meeting, and election of directors as hereinafter provided for.

Meeting to  
elect directors.

6. When and so soon as seventy-five thousand dollars of the capital stock of said company is subscribed and fifteen thousand dollars thereof paid in, the provisional board of directors shall by advertisement in one paper published in the City of Hamilton, and in the *Ontario Gazette*, call a general meeting of the shareholders to elect a board of directors to manage the affairs of the said company under this Act.

Powers of  
directors as to  
calls of stock,  
&c.

7. The board of directors shall have power to make and from time to time alter such by-laws, rules and regulations as to them shall appear proper for the well-ordering of the company, to make calls upon the shares of the respective shareholders, at such times as they may deem requisite for the purposes and interests of the said company, and to sue for, and enforce the payment of the same, and may declare all shares forfeited on which such calls have not been duly paid within thirty days after the same shall have become due and payable, and may issue any such forfeited stock, and may allot the same or any part thereof to any person or corporation, or sell the same or any portion thereof: Provided always, that such successive calls of stock shall be made at intervals of not less than two months between such calls, and no call shall exceed ten per centum, and thirty days' notice shall be given of every such call by a letter mailed and registered, and the said call or calls shall become due and payable at the expiration of thirty days from such mailing; the board of directors shall also have power to fill any vacancies in their said board occurring between their usual meetings of shareholders hereinafter provided for, from time to time as they may occur: The board of directors, or a quorum, or a majority of those present at any meeting, shall also at all times have power to appoint officers and agents, and to fix the remuneration and term of office of said officers and agents, and to define the duties and obligations of such officers and agents and securities to be given by them, and to remove or dismiss all officers and agents at pleasure, and generally to transact all necessary matters and things connected with the business of the company: At all meetings of the directors three members of the board shall be a quorum and such quorum shall have all the powers and authority of the full board of directors, and all questions at such meetings shall be decided by a majority of

Quorum.



- the votes of the directors then present thereat; and in case of any equality of votes the president, vice-president or presiding director shall have a casting vote in addition to his vote as director; the directors may also appoint honorary members or  
 5 local directors in any city or town in which the company transacts business with such duties, powers and remuneration as they may deem proper for the transaction of the business of the company in such places, but no person shall be qualified to be elected a director or continue as such, unless he holds in his own  
 10 name stock in said company to the amount of fifteen shares, or as local or honorary director unless he holds in his own name stock in said company to the amount of ten shares, whereon all costs shall have been duly paid, and all liability actually matured and incurred by him with the said company also paid.
- 15 **8.** No policies shall be issued until fifteen thousand dollars of the capital stock are actually paid in; the company may hold such real estate not exceeding the annual value of five thousand dollars, as is required for offices and such other estate, as shall have been *bona fide* mortgaged to it by way of security  
 20 or conveyed to it in satisfaction of debts or judgments recovered: Provided that all such last mentioned real estate shall be sold within five years from the time of its becoming the absolute property of the company.
- 9.** The directors of the company at a meeting held for such  
 25 specific purpose may declare such annual or semi-annual dividends upon the capital stock as they shall deem justified by its business, so that no part of the capital thereof be appropriated to such dividends. Dividends.
- 10.** The shares of the company shall be transferable by the  
 30 parties holding the same according to the by-laws of the company, but no share shall be transferable until all calls previously made upon the capital stock as they shall deem justified by its business, so that no part of the capital thereof be appropriated to such dividends. Transfer of shares.
- 35 insolventy, or death of the shareholder, or by any other means than the ordinary transfer, shall be proved and regulated in such form as the board may from time to time direct; and in any action for the recovery of calls or arrears of calls, it shall be sufficient for the company to allege and prove that the de-  
 40 fendant being an owner of shares therein according to the books of the company is indebted to the company in respect of so many shares in the sum due, and at the trial it shall only be necessary to prove that the defendant was owner of such shares, and that the call was duly made according to the by-laws or  
 45 rules of the company.
- 11.** A copy of any by-law, rule, regulation, or minute, or of  
 any entry in any book of the company, certified to be a true copy or extract under the hand of the president, vice-president or managing director or secretary of the company, and sealed  
 50 with the corporate seal of the company, shall be received in all courts and proceedings as *prima facie* evidence of such by-law, rule, regulation, minute or entry, without further proof thereof, and without proof of the official character or signature of the officer signing the same or of the corporate seal. Evidence of by-laws, &c.
- 55 **12.** The company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive to  
 which any share or shares of the stock may be subject or to Execution of trusts.



which any policy or policies may be subject; and the receipt of the person in whose name any share stands, or by whom any policy or policies appears to be held in the books of the company, shall be a sufficient discharge to the company for any money paid in respect of such share or shares, or policy or policies, notwithstanding any trust to which they or any of them may be held subject, and whether or not the company shall have notice of such trust. 5

Head office. **13.** The head office of the company shall be in the City of Hamilton, or elsewhere in the Province of Ontario, as may be determined by the directors. 10

General meeting of shareholders. **14.** Until otherwise determined by the board, the books of the company shall be annually balanced on the thirty-first day of December in each year; and within three months from the day aforesaid, a general meeting of shareholders shall be called by the board of directors, at which a full statement of the company's affairs shall be submitted, and ten days' notice of such meeting shall be given by advertisement in one newspaper at the place where the head office is, and also by two insertions in the *Ontario Gazette*. 15 20

Votes. **15.** At such general meeting, shareholders shall have one vote for each share upon which all calls are paid, and votes may be cast in person or by proxy; the shareholders shall at such meeting elect not less than five directors nor more than fifteen directors, in such number as may be provided for by the by-laws of the company, and which election of directors shall be by ballot unless the election is unanimous, but all other proceedings shall be determined by open vote; but the company shall not be dissolved by failure to hold the said general annual meeting or to elect directors thereat, but it shall be lawful on any other day to hold and make an election at a special general meeting to be called for that purpose by the directors, who shall continue in office until a new election is made. 25 30

Special meeting of shareholders. **16.** Special meetings of shareholders may be called by the directors, or on the requisition of shareholders holding one-third of the company's stock; and ten days' notice of such special meetings, stating the object for which they are called, shall be sent to each shareholder by mail, and lists of the shareholders shall be at all times accessible to any of them. 35

Penalty for paying dividend when company is insolvent and how directors may avoid such liability. **17.** If the directors of the company declare and pay any dividend when the company is insolvent, or any dividend the payment of which renders the company insolvent or diminishes the capital stock thereof, the directors declaring such dividend shall be jointly and severally liable, as well to the company as to the individual shareholders and creditors thereof for the amount of the dividend or dividends so paid; but if any director present when such dividend is declared do forthwith, or if any director then absent, do within twenty-four hours after he shall have become aware thereof, and able to do so, enter in the minutes of the board of directors his protest against the same, and so within eight days thereafter publish such protest in at least one newspaper published at, or as near as may be possible to the head office of the company, such director may thereby, and not otherwise, exonerate himself from such liability. 40 45 50

General Insurance Act to apply. **18.** The company shall be subject to all general laws which have or may be enacted by the Legislature of Ontario in reference to companies carrying on the business of fire insurance. 55



BILL,

An Act to Incorporate the Equitable Fire  
Insurance Company of Hamilton.

First Reading,	1878.
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(*PRIVATE BILL.*)

Mr. WILLIAMS.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to Incorporate the Equitable Fire Insurance  
Company of Hamilton.

WHEREAS John Barry, John Eastwood, E. S. Whipple, Preamble.

Robert Chisholm, Donald McPhie, William A. H. Duff  
and Edward Hilton, of the City of Hamilton, Esquires, have  
petitioned the Legislature of the Province of Ontario that a  
5 company be incorporated under the name of "*The Equitable  
Fire Insurance Company of Hamilton*," for the purpose of car-  
rying on the business of fire insurance, and insuring property  
against damage or injury by fire, explosion or other cause of  
injury or loss, and re-insuring property real and personal, in-  
10 sured by any other company, and whereas it is expedient to  
grant their prayer ;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

15 **1.** The said John Barry, John Eastwood, E. S. Whipple, Incorporation  
and corporate  
name.  
Robert Chisholm, Donald McPhie, William A. H. Duff, and  
Edward Hilton, after having complied with the requirements  
of this Act as to the subscription of stock, and such persons  
as now are or hereafter shall become shareholders of the said  
20 company, shall be and are hereby created, constituted and de-  
clared to be a body corporate, and politic, in law and fact, by  
the name of "*The Equitable Fire Insurance Company of Ham-  
ilton*," for the purpose of carrying on the business of fire insur-  
ance and all things appertaining thereto or connected there-  
25 with in the Province of Ontario.

**2.** The stock of the company shall be two hundred and fifty Stock.  
thousand dollars, divided into two thousand five hundred shares  
of one hundred dollars each ; which said shares shall be and  
are hereby vested in the several persons who shall subscribe for  
30 the same, their legal representatives and assigns, subject to the  
provisions of this Act : Provided that the board of directors  
may by a vote of the shareholders at their special meeting  
called for that purpose increase the amount of the capital stock  
at any time, or from time to time to an amount not exceeding  
35 in the whole one million of dollars.

**3.** None of the persons or bodies corporate who may sub- Liabilities of  
stockholders.  
scribe for stock shall be liable for any further sum than the un-  
paid amount upon the stock subscribed for ; and the shares shall  
be deemed personal estate.

40 **4.** Until the election of directors hereinafter provided for, Provisional  
board.  
the provisional board of directors shall consist of *the said* John  
Barry, John Eastwood, E. S. Whipple, Robert Chisholm, Donald  
McPhie, William A. H. Duff and Edward Hilton.



Their powers.

5. The provisional board of directors or if any of the said provisional directors shall die or resign, those remaining directors or a majority of them shall have power to open stock books at such places as they may direct, and to keep the same open so long as they deem it necessary; and the provisional directors or their survivors or a majority of them are hereby authorized to receive from the shareholders a deposit of fifteen per centum of the amount of stock subscribed by such persons respectively; and are hereby required to pay out of such deposit all the costs, charges, and expenses, incurred in the application for and the obtaining of this Act, and of the organizing of the said company; and shall hold office until the first regular meeting, and election of directors as hereinafter provided for.

Meeting to  
elect directors.

6. When and so soon as *one hundred* thousand dollars of the capital stock of said company is subscribed and fifteen thousand dollars thereof paid in, the provisional board of directors shall by advertisement in one paper published in the City of Hamilton, and in the *Ontario Gazette*, call a general meeting of the shareholders to elect a board of directors to manage the affairs of the said company under this Act.

Powers of  
directors as to  
calls of stock,  
&c.

7. The board of directors shall have power to make and from time to time alter such by-laws, rules and regulations as to them shall appear proper for the well-ordering of the company, to make calls upon the shares of the respective shareholders, at such times as they may deem requisite for the purposes and interests of the said company, and to sue for, and enforce the payment of the same, and may declare all shares forfeited on which such calls have not been duly paid within thirty days after the same shall have become due and payable, and may issue any such forfeited stock, and may allot the same or any part thereof to any person or corporation, or sell the same or any portion thereof: Provided always, that such successive calls of stock shall be made at intervals of not less than two months between such calls, and no call shall exceed ten per centum, and thirty days' notice shall be given of every such call by a letter mailed and registered, and the said call or calls shall become due and payable at the expiration of thirty days from such mailing; the board of directors shall also have power to fill any vacancies in their said board occurring between their usual meetings of shareholders hereinafter provided for, from time to time as they may occur: The board of directors, or a quorum, or a majority of such quorum present at any meeting, shall also at all times have power to appoint officers and agents, and to fix the remuneration and term of office of said officers and agents, and to define the duties and obligations of such officers and agents and securities to be given by them, and to remove or dismiss all officers and agents at pleasure, and generally to transact all necessary matters and things connected with the business of the company:

Quorum.

At all meetings of the directors three members of the board shall be a quorum and such quorum shall have all the powers and authority of the full board of directors, and all questions at such meetings shall be decided by a majority of the votes of the directors then present thereat; and in case of any equality of votes the president, vice-president or presiding director shall have a casting vote in addition to his vote as director; the directors may also appoint honorary members or local directors in any city or town in which the company trans-

- acts business with such duties, powers and remuneration as they may deem proper for the transaction of the business of the company in such places, but no person shall be qualified to be elected a director or continue as such, unless he holds in his own
- 5 name stock in said company to the amount of fifteen shares, or as local or honorary director unless he holds in his own name stock in said company to the amount of ten shares, whereon all calls shall have been duly paid, and all liability actually matured and incurred by him with the said company also paid.
- 10 8. No policies shall be issued until *twenty* thousand dollars of the capital stock are actually paid in; the company may hold such real estate not exceeding the annual value of five thousand dollars, as is required for offices and such other estate, as shall have been *bona fide* mortgaged to it by way of security
- 15 or conveyed to it in satisfaction of debts or judgments recovered: Provided that all such last mentioned real estate shall be sold within five years from the time of its becoming the absolute property of the company.
- 20 9. The directors of the company at a meeting held for such specific purpose may declare such annual or semi-annual dividends upon the capital stock as they shall deem justified by its business, so that no part of the capital thereof be appropriated to such dividends.
- 25 10. The shares of the company shall be transferable by the parties holding the same according to the by-laws of the company, but no share shall be transferable until all calls previously made thereon are paid, whether the thirty days' notice thereon had expired or not; and the transmission of interest in any share in the stock of the company, in consequence of marriage,
- 30 insolvency, or death of the shareholder, or by any other means than the ordinary transfer, shall be proved and regulated in such form as the board may from time to time direct; and in any action for the recovery of calls or arrears of calls, it shall be sufficient for the company to allege and prove that the defendant being an owner of shares therein according to the books
- 35 of the company is indebted to the company in respect of so many shares in the sum due, and at the trial it shall only be necessary to prove that the defendant was owner of such shares, and that the call was duly made according to the by-laws or
- 40 rules of the company.
11. A copy of any by-law, rule, regulation, or minute, or of any entry in any book of the company, certified to be a true copy or extract under the hand of the president, vice-president or managing director or secretary of the company, and sealed
- 45 with the corporate seal of the company, shall be received in all courts and proceedings as *prima facie* evidence of such by-law, rule, regulation, minute or entry, without further proof thereof, and without proof of the official character or signature of the officer signing the same or of the corporate seal.
- 50 12. The company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive to which any share or shares of the stock may be subject or to which any policy or policies may be subject; and all receipt of the person in whose name any share stands, or by whom any
- 55 policy or policies appears to be held in the books of the com-

Issue of policies, holding real estate, &c.

Dividends.

Transfer of shares.

Evidence of by-laws, &c.

Execution of trusts.

pany, shall be a sufficient discharge to the company for any money paid in respect of such share or shares, or policy or policies, notwithstanding any trust to which they or any of them may be held subject, and whether or not the company shall have notice of such trust.

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Head office.

**13.** The head office of the company shall be in the City of Hamilton, or elsewhere in the Province of Ontario, as may be determined by the *shareholders*.

General meeting of shareholders.

**14.** Until otherwise determined by the board, the books of the company shall be annually balanced on the thirty-first day of December in each year; and within three months from the day aforesaid, a general meeting of shareholders shall be called by the board of directors, at which a full statement of the company's affairs shall be submitted, and ten days' notice of such meeting or of any special meeting of shareholders shall be given by advertisement in one newspaper at the place where the head office is, and also by two insertions in the *Ontario Gazette*.

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Votes.

Election of directors.

**15.** At such general meeting, shareholders shall have one vote for each share upon which all calls are paid, and votes may be cast in person or by proxy; the shareholders shall at such meeting elect not less than five directors nor more than fifteen directors, in such manner as may be provided for by the by-law, of the company, and which election of directors shall be by ballot unless the election is unanimous, but all other proceedings shall be determined by open vote; but the company shall not be dissolved by failure to hold the said general annual meeting or to elect directors thereat, but it shall be lawful on any other day to hold and make an election at a special general meeting to be called for that purpose by the directors, who shall continue in office until a new election is made. *Corporations holding stock in the company may be represented by their executive officers; and the shareholders, at the general annual meeting, shall decide the remuneration to be paid to the directors, president, and vice-president.*

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Special meeting of shareholders.

**16.** Special meetings of shareholders may be called by the directors, or on the requisition of shareholders holding one-third of the company's stock; and ten days' notice of all special meetings, stating the object for which they are called, shall be sent to each shareholder by mail, and lists of the shareholders shall be at all times accessible to any of them.

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Penalty for paying dividend when company is insolvent and how directors may avoid such liability.

**17.** If the directors of the company declare and pay any dividend when the company is insolvent, or any dividend the payment of which renders the company insolvent or diminishes the capital stock thereof, the directors declaring such dividend shall be jointly and severally liable, as well to the company as to the individual shareholders and creditors thereof for the amount of the dividend or dividends so paid; but if any director present when such dividend is declared do forthwith, or if any director then absent, do within twenty-four hours after he shall have become aware thereof, and able to do so, enter in the minutes of the board of directors his protest against the same, and do within eight days thereafter publish such protest in at least one newspaper published at, or as near as may be possible to the head office of the company, such director may thereby, and not otherwise, exonerate himself from such liability.

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**18.** The company shall be subject to all general laws which have or may be *hereafter* enacted by the Legislature of Ontario in reference to companies carrying on the business of fire insurance. General Insurance Act to apply.



No. 30.

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Third Session, Third Parliament, 41 Vic. 1878.

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BILL.

An Act to Incorporate the Equitable Fire  
Insurance Company of Hamilton.

*(Reprinted as Amended.)*

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First Reading, 23rd January, 1878.

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*(PRIVATE BILL.)*

Mr. WILLIAMS.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co

An Act respecting the Port Dover and Lake Huron  
Railway, and the Township of North Norwich.

WHEREAS by an Act passed in the fortieth year of Her Majesty's reign, intituled, "An Act respecting the Port Dover and Lake Huron Railway Company," it was enacted among other things that the bonds issued as in the Act  
5 mentioned were thereby declared to form a first and preferential, and the only first and preferential, claim and charge upon the said railway and upon the real and personal property of the company at the date thereof, existing or at any time thereafter acquired; and whereas it was by the said Act  
10 further enacted that a second issue of further mortgage bonds (subject to, and to rank after the said first issue of four thousand dollars per mile) was authorised to be issued to the amount of one hundred and twenty-five thousand dollars, and such second issue of bonds was thereby declared to be and to form  
15 a second preference issue of mortgage bonds on the said railway, and should be taken and considered to be a second preferential claim and charge upon the said railway, and the undertaking and the real and personal property of the said company at the date thereof existing, or at any time thereafter  
20 acquired next after and subject only to said first issue of bonds, and each holder of any of the said second preference bonds should be deemed to be a mortgagee and an incumbrancer *pro rata* with all the other holders of the said second preference mortgage bonds upon the undertaking and property of the said  
25 company; and whereas it was further enacted that upon four-fifths of the bonds of the said railway issued prior to the fourteenth day of November last, being paid, surrendered or cancelled, or exchanged for other bonds issued by said company, the said issue of bonds to the amount of seventy-six thousand  
30 pounds of sterling money of Great Britain, and the bonds for the balance of said first preference bonded debt of ninety-five thousand pounds sterling, to be issued as thereafter provided, were thereby declared to be valid and binding upon the said company, and to have been issued according to law, and the  
35 provisions of the said Act passed in the thirty-seventh year of Her Majesty's reign, and chaptered fifty-seven, and to be the only and total first preference bonded debt of the said railway, and should without registration or formal conveyance be taken and be considered to be a first preferential claim and charge  
40 upon the railway, and the undertaking and property of the company real and personal then existing, or at any time acquired, and each holder of the said first preference mortgage bonds should be deemed to be a mortgagee and an incumbrancer *pro rata* with all the holders thereof upon the undertaking and the  
45 property of the company as aforesaid; and whereas it was

further enacted, that notwithstanding anything in this Act or any agreement hereinbefore mentioned or contained, the remaining one-fifth part of the said bonds issued before the fourteenth day of November, or any part thereof, which should not be paid or cancelled or exchanged, should form part of the first preference bonded debt of the said company, and in every respect should stand *pari passu* with the said bonds already issued to the amount of seventy-six thousand pounds sterling, and the balance of bonds to be issued as part of the said first preference bonded debt of ninety-five thousand pounds sterling; and whereas it was further enacted that the directors of the said company with the sanction of the shareholders thereof, first obtained in the manner provided by the said Act passed in the thirty-seventh year of Her Majesty's reign, chaptered fifty-seven, should have power to issue second preference mortgage bonds, were by the said Act authorised to be executed to the extent, or for the sum of in all one hundred and sixty-eight thousand dollars or its equivalent of sterling money of Great Britain, with coupons attached for the payment of interest at such rate as the shareholders shall sanction when they authorised the issue of such last mentioned bonds, such coupons to be signed by the secretary and treasurer of the said company, and such last mentioned bonds should without registration or formal conveyance be taken and be considered to be a second preferential claim and charge upon the railway, and the undertaking and the property of the company real and personal then existing and at any time thereafter acquired, next after, and subject only to said issue of ninety-five thousand pounds sterling of bonds or its equivalent in lawful money of Canada, and each holder of the said second preference mortgage bonds shall be deemed to be a mortgagee and an incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company as aforesaid, subject to the said first preference bonds; and whereas it was further enacted that all the sections and parts of sections of the Acts of the Ontario Legislature theretofore passed in reference to the Port Dover and Lake Huron Railway Company, inconsistent with the said Act, were thereby repealed; and whereas it was not intended that anything in the said Act should effect or impair, or was intended to effect or impair the lien given to the Corporation of the Township of Norwich, in the County of Oxford, by virtue of section twenty-six of an Act of the said Legislature, passed on the twenty-fourth day of March, one thousand eight hundred and seventy-four, intituled, "An Act to amend the several Acts of the Port Dover and Lake Huron Railway, and to confirm certain by-laws in aid thereof," and whereas it is expedient so to declare;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

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Agreement  
between the  
company and  
the Township  
of Norwich  
valid and lien  
of Township  
provided for.

1. Nothing contained in the Act passed on the second day of March, one thousand eight hundred and seventy-seven, intituled, "An Act respecting The Port Dover and Lake Huron Railway Company," and hereinbefore in part recited, shall affect or impair, or was intended to affect or impair the lien given to the said corporation of the Township of North Norwich, by virtue of section twenty-six of an Act of the said Legislature, passed on the twenty-fourth day of March, one thousand eight hundred and seventy-four, intituled, "An Act to amend several Acts of the

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Port Dover and Lake Huron Railway, and to confirm certain by-laws in aid thereof," and so much of the Act firstly hereinbefore mentioned as may be inconsistent with the said recited lien of the Corporation of the Township of North Norwich, is, 5 and the same are hereby repealed; and it is hereby declared and enacted, for and notwithstanding anything in the said Act passed on the second day of March, one thousand eight hundred and seventy-seven contained, that, as between the said company and the Corporation of the Township of North Nor- 10 wich, the said township is to be liable for two-fifths only of the debentures issued under the by-law of the County of Oxford, and interest thereon referred to in the said Act passed on the twenty-fourth day of March, one thousand eight hundred and seventy-four; and that a certain bond or agreement made 15 and entered into by and between the said company and the corporation of the said township, bearing date the fifth day of June, in the year of Our Lord one thousand eight hundred and seventy-four, in pursuance of the said last named Act is hereby confirmed; and the lien given to the said Corporation of the 20 Township of North Norwich, under and by virtue of the said bond or agreement is to be the first and preferential lien on all the property of the said company in the Counties of Norfolk and Oxford, including the track and road-bed in priority to all of the said bonds of the said company issued, or authorised to 25 be issued, under the Act in the recital hereof firstly mentioned, and shall be held and taken to be a first and preferential lien as of the date when the same was originally created, and that such bond shall not need registration in order to preserve the priority of such lien.



Third Session Third Parliament, 41 Vic. 1878.

BILL.

An Act respecting the Port Dover and Lake Huron Railway, and the Township of North Norwich.

First Reading,	1878.
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(*PRIVATE BILL.*)

Hon. Mr. Crooks.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to amend the several Acts relating to the  
Toronto, Grey and Bruce Railway Company.

**W**HEREAS the Toronto, Grey and Bruce Railway Company Preamble.  
have petitioned for an Act to amend the several Acts  
relating to the said Company, and for certain other purposes in  
the said petition set forth ; and whereas it is expedient to grant  
5 the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :

1. The company may issue bonds to be secured on all moneys Postal bonds.  
10 to be received by the company from the Dominion and from  
Her Majesty's Imperial Government for postal services, and for  
the conveyance of troops, military stores, and munitions of war ;  
and the said bonds and the interest thereon shall be a first  
charge on such moneys ; and such moneys shall be appropriated  
15 solely to the payment of such bonds and the interest thereon ;  
such bonds so to be issued shall be called postal bonds.

2. The directors of the company, after the sanction of the Second mort-  
gage bonds.  
shareholders shall have been first obtained at any special meet-  
20 ing to be called from time to time for such purpose, shall  
have power to issue bonds to be called second mortgage bonds,  
in such amounts and manner, on such terms, and subject to such  
conditions, and with such rights and privileges as the directors  
from time to time may think proper and convenient ; and such  
25 bonds shall be without any preference of one above another by  
reason of priority of date of issue or otherwise howsoever :  
the principal sum of all bonds to be issued, as well as the inter-  
est payable thereon, shall be payable in the same manner, on  
the same terms, and at the same time.

30 3. The said second mortgage bonds shall have co-ordinate Second mort-  
gage bonds to  
be next charge  
after debenture stock, &c.  
lien, and, without registration or formal conveyance, shall be a  
mortgage and charge next after the debenture stock and termi-  
nable bonds which the said company is empowered to issue by  
the Act passed in the thirty-eighth year of Her Majesty's reign,  
35 chaptered fifty-six, section two, upon the railway, upon the un-  
dertaking, and upon all the real and personal property of the  
company, including its rolling stock and equipments then exist-  
ing and at any time thereafter acquired, together with the fran-  
chises of the company.

40 4. Provided always that the second mortgage bonds which Second mort-  
gage bonds to  
be limited to  
the company shall have power to issue as aforesaid, shall never

amount of  
bonus, &c.

exceed the amount from time to time of bonuses which shall, subsequent to the first day of January in this present year be granted to the said company by municipalities, or from other sources; and any loan made to the company by any municipality upon the security of such second mortgage bonds shall be deemed to be a bonus within the meaning and provisions of this section; and all the clauses and provisions of the several Acts now in force relating to the granting of bonuses and by-laws therefor, to or in aid of the said company, shall apply to any bonus granted subsequent to the said first day of January in this present year; excepting clauses and provisions requiring the application of moneys so granted to be expended in certain works, or on certain parts of the railway; and excepting also the provisions respecting trustees in lieu of which any municipality granting any such bonus may make such arrangements and agreements with the company as may be deemed expedient.

Form and  
issue of postal  
and second  
mortgage  
bonds.

5. The said postal bonds and second mortgage bonds respectively shall be under the common seal of the company and signed by the president or vice-president, and countersigned by the secretary and treasurer; they may be issued as payable to bearer, either in sterling or in currency of Canada, at such place or places in Canada or Great Britain as may be deemed advisable: they shall be transferable by delivery, and the holder of any bond made payable to the bearer may sue thereon in his own name.

Working ex-  
penses to be  
first lien on  
receipts and  
revenue.

6. The working expenses of the railway (including all expenses and outlays whatsoever, of or in anywise incidental to the working and to the management and superintendence of the business and affairs of the company), shall be a first lien and charge upon the receipts and revenues of the company; except the said moneys charged with the payment of postal bonds.

Power to issue  
balance o  
capital stock.

7. The directors shall have the power to issue all or any part from time to time of the ordinary share capital authorised but hitherto unissued, on such terms as to rate of premium or discount or otherwise as they may consider expedient, as ordinary shares or as preference shares, or as preferred stock, with the option of conversion into shares at such rate and in such manner and at such price or prices as to premiums or discount, or otherwise as from time to time they may deem advisable.

Arrangement  
for change of  
gauge and aid  
by municipali-  
ties.

8. The corporation of any municipality interested in the said railway and its operations, or through or near to which the said railway passes or is situate, may either alone, or jointly with the corporation of any other municipality or municipalities, enter into agreements with the company with respect to the changing of the gauge of the said railway to four feet eight and one-half inches, in lieu of the present gauge; and respecting the aiding and assisting of the said company, by granting money by way of bonus, or by lending money to the company or otherwise, for the purpose of enabling the said company to make such change of gauge, and otherwise to improve the railway.

Sinking fund.

9. It shall not be necessary in any by-law, for raising money and granting the same by way of bonus, or lending the same to the company under the authority of this Act, to provide for the raising of a sinking fund for payment of the principal

money secured by the debentures issued therefor, during the first ten years of the period during which such debentures shall be current, but it may be provided that such sinking fund shall be raised in such years, after the said first ten years, 5 as may be requisite.

10. Any municipality which shall, after the first day of January in this present year, grant any such bonus of not less than two hundred and fifty thousand dollars, in aid of the company, shall be entitled to name a director in the company as 10 the representative of such municipality, and such director shall be in addition to all other directors in the company, whether appointed by the shareholders or by the same or any other municipality, and shall not require to be a shareholder in the company, and shall continue in office as a director in the company 15 until his successor shall be appointed by the municipality which he represents.

11. The company may from time to time make and issue new bonds, for the purpose of raising such moneys as may be required for paying or redeeming any of their bonds; such bonds 20 to be of the like class as those in respect of the payment or redemption of which they are issued, and to have the same rights, status and priorities; but so that the total amount of such new bonds shall not at any time exceed an equal amount of the bonds for the repayment or redemption whereof they are 25 issued respectively.

Director on  
part of muni-  
cipalities  
granting aid.

New bonds  
may issue for  
redemption  
existing bonds.



Third Session, Third Parliament, 41 Vic., 1878.

BILL.

An Act to amend the several Acts relating to the Toronto, Grey and Bruce Railway Company.

First Reading,	1878.
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(*PRIVATE BILL.*)

Hon. Mr. CAMERON.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to amend the several Acts relating to the  
Toronto, Grey and Bruce Railway Company.

**W**HEREAS the Toronto, Grey and Bruce Railway Company Preamble.  
have petitioned for an Act to amend the several Acts  
relating to the said Company, and for certain other purposes in  
the said petition set forth; and whereas it is expedient to grant  
5 the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. The company may issue bonds to be secured on all moneys Postal bonds.  
10 to be received by the company from the Dominion and from  
Her Majesty's Imperial Government for postal services, and for  
the conveyance of troops, military stores, and munitions of war;  
and the said bonds and the interest thereon shall be a first  
charge on such moneys; and such moneys shall be appropriated  
15 solely to the payment of such bonds and the interest thereon;  
such bonds so to be issued shall be called postal bonds.

2. *Such postal bonds shall not be issued except with the con- Terms upon  
sent of the holders of the first mortgage bonds and debenture which postal  
stock who shall have registered their bonds and stock and bonds may be  
20 transfers thereof pursuant to the provisions of the thirteenth issued.*  
*section of the Act passed in the thirty-eighth year of Her Majesty*  
*Queen Victoria, and chapter fifty-six, such consent to be given*  
*by at least two-thirds of the votes of such bond and debenture*  
*stockholders present in person or by proxy at any meeting of*  
25 *such bond and stockholders to be called by the said Company*  
*by notice to be given once a week for four weeks in a daily*  
*newspaper published in Toronto, and one a week for four weeks*  
*in a daily newspaper published in London, in England, and*  
*such meeting shall be held at the general Offices of the Com-*  
30 *pany in Toronto, on the day and at the hour to be fixed by such*  
*notice, being not less than six weeks after the date of the first*  
*appearing of the said notices of the paper in London, and at*  
*any such meeting each person to have one vote for each hundred*  
35 *pounds sterling amount of the bonds or debenture stock held*  
*by them.*

3. The directors of the company, after the sanction of the Second mort-  
gage bonds.  
shareholders shall have been first obtained at any special meet-  
ing to be called from time to time for such purpose, shall  
have power to issue bonds to be called second mortgage bonds,  
40 in such amounts and manner, on such terms, and subject to such  
conditions, and with such rights and privileges as the directors  
from time to time may think proper and convenient; and such  
bonds shall be without any preference of one above another by  
reason of priority of date of issue or otherwise howsoever:

the principal sum of all bonds to be issued, as well as the interest payable thereon, shall be payable in the same manner, on the same terms, and at the same time.

Second mortgage bonds to be next charge after debenture stock, &c.

4. The said second mortgage bonds shall have co-ordinate lien, and, without registration or formal conveyance, shall be a mortgage and charge next after the debenture stock and terminable bonds which the said company is empowered to issue by the Act passed in the thirty-eighth year of Her Majesty's reign, chaptered fifty-six, section two, upon the railway, upon the undertaking, and upon all the real property of the company, and its rolling stock and equipments then existing and at any time thereafter acquired, together with the franchises of the company. 5

Second mortgage bonds to be limited to amount of bonus, &c.

5. Provided always that the second mortgage bonds which the company shall have power to issue as aforesaid, shall never exceed the amount from time to time of bonuses which shall, subsequent to the first day of January in this present year be granted to the said company by municipalities, or from other sources; and any loan made to the company by any municipality upon the security of such second mortgage bonds shall be deemed to be a bonus within the meaning and provisions of this section. 15 20

Form and issue of postal and second mortgage bonds.

6. The said postal bonds and second mortgage bonds respectively shall be under the common seal of the company and signed by the president or vice-president, and countersigned by the secretary and treasurer; they may be issued as payable to bearer, either in sterling or in currency of Canada, at such place or places in Canada or Great Britain as may be deemed advisable: they shall be transferable by delivery, and the holder of any bond made payable to the bearer may sue thereon in his own name. 25 30


Power to issue balance of capital stock.

7. The directors shall have the power *after the sanction of the shareholders shall have been first obtained at any special meeting to be called from time to time for such purpose*, to issue all or any part from time to time of the ordinary share capital authorised but hitherto unissued, on such terms as to rate of premium or discount or otherwise as they may consider expedient, as ordinary shares or as preference shares, or as preferred stock, with the option of conversion into shares at such rate and in such manner and at such price or prices as to premiums or discount, or otherwise as from time to time they may deem advisable. 35 40

Arrangement for change of gauge and aid by municipalities.

8. The corporation of any municipality interested in the said railway and its operations, or through or near to which the said railway passes or is situate, may enter into agreements with the company with respect to the changing of the gauge of the said railway to four feet eight and one-half inches, in lieu of the present gauge; and respecting the aiding and assisting of the said company, by granting money by way of bonus, or by lending money to the company or otherwise, for the purpose of enabling the said company to make such change of gauge, and otherwise to improve the railway; *and respecting the application of moneys so granted or loaned, and respecting the payment of the same to the Company, direct or through the intervention of trustees to be named in any such agreement or other-* 45 50

*wise : Provided that nothing in this section shall be construed as authorising the granting of a bonus or lending of money without the assent of the ratepayers.*

5 **9.** It shall not be necessary for any municipality lending money or granting a bonus to the said Company under the authority of this Act, to levy a rate for raising the sinking fund provided for by the by-law for raising the money so loaned or bonus so granted in any year, excepting so far as it shall be requisite to raise such sinking fund in case of the insufficiency of  
 10 the interest paid by the Company on the bonds of the Company held by such municipality for such loan or bonus to meet the amount required to be raised for such sinking fund, but any such municipality may apply the interest paid by the said Company on their said bonds, in or towards payment of such  
 15 sinking fund in lieu of raising the same by levying a rate therefore or in reduction of the rate required to be levied. 

Levying sinking fund in municipalities granting aid.

**10.** Any municipality which shall, after the first day of January in this present year, grant any such bonus of not less than two hundred and fifty thousand dollars, in aid of the company, shall be entitled to name a director in the company as the representative of such municipality, and such director shall be in addition to all other directors in the company, whether appointed by the shareholders or by the same or any other municipality, and shall not require to be a shareholder in the company, and shall continue in office as a director in the company  
 25 until his successor shall be appointed by the municipality which he represents.

Director on part of municipalities granting aid.



BILL,

An Act to amend the several Acts relating to the Toronto, Grey and Bruce Railway Company.

*(Reprinted as Amended.)*

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First Reading, 22nd January, 1878.

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*(PRIVATE BILL)*

Hon. Mr. CAMERON.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the Toronto Land and Loan Company.

**W**HEREAS the persons hereinafter named, and others, Preamble.  
propose to establish a joint stock company, for the  
purpose of acquiring real estate, improving the same, and dis-  
posing of it upon terms which will make farmers, clerks and  
5 mechanics readily to become owners of homesteads, and to in-  
vest their savings in such property, and have petitioned that  
an Act may pass to incorporate the said company ; and whereas  
it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent  
10 of the Legislative Assembly of the Province of Ontario, enacts  
as follows :

1. Alexander Manning, Robert Jaffray, Silas James, Edward  
Galley, W. B. Scarch and Arthur Harvey, of the City of To-  
ronto, Esquires, and George Wilson, of the Town of Amherst-  
15 burgh, Esquire, together with all such persons as shall become  
shareholders in the company hereby constituted, shall be and  
are hereby made a body corporate and politic by the name of  
The Toronto Land and Loan Company, of which the head office  
shall be in the City of Toronto, until otherwise determined by  
20 the shareholders.

2. The company shall have power to acquire and hold, by  
lease, purchase, or other legal title, lands, houses, buildings,  
building material or premises ; to clear, drain, and otherwise  
improve farm and other lands ; to construct and maintain  
25 houses and other buildings ; to cultivate its farms ; to lease, ex-  
change, sell, convey, dispose of and change the same, as it may  
deem advantageous, and generally to exercise all powers in the  
acquisition, subdivision, improvement, sale or renting of parcels  
of real estate, which an individual may legally exercise.

30 3. The company shall have power to lend its money upon  
mortgage of real estate, whether freehold or leasehold ; and to  
purchase mortgages upon such real estate ; and upon the sale  
of real estate to take any portion of the price by way of mort-  
gage thereon, and may foreclose the said mortgages, or dispose  
35 of the same, or exercise powers of sale thereunder, in the same  
way as individuals.

4. Upon an agreement being made by the company for the  
sale of any real estate, or houses or other buildings bought or  
built or to be built by the company, it shall be lawful to carry  
40 out the said sale by way of a lease, at a rental payable in ad-  
vance or otherwise ; and without waiving any of the rights of

a landlord, to stipulate therein that upon the punctual payment of the rents thereby reserved and the performance of the covenants and conditions therein contained, the property shall belong to the lessee, and that he shall therefore be entitled to a conveyance thereof; and the certificate of the manager and other chief officers of the company, given by the authority of the directors and endorsed upon the lease shall be *prima facie* evidence that all payments have been made and all conditions performed up to the date thereof: thereupon, and not before, the said property shall vest in the lessee, and he shall be entitled to receive a conveyance of the lands in the said lease mentioned.

Power in case  
of default of  
payments of  
rent.

5. In case of default for three months in the payment of the rent reserved in any lease made by the company, or of the non-performance of any of the covenants therein contained, the company shall have the right to enforce payment of the same, or to take possession of the property intended to be sold, upon giving to the intended purchaser or lessee thirty days' notice in writing, to vacate and deliver back the same; and may sell the said property, and apply the proceeds of such sale to the payment of all sums of money, interest and other charges due to the company; and the company may cause the same to be enforced either by foreclosure or by any action or proceeding in either of the superior courts: Provided that nothing herein contained shall be construed to limit or affect the ordinary rights and remedies which the company may have under the said lease.

Proviso.

Power to take  
real estate &c.,  
as collateral  
security.

6. The company may take transfers or assignments of real estate, mortgages, stocks (including its own stock) debentures, policies of insurance, or other property, as collateral security for any loan or for the performance of any contract; and any director may assign his own stock as security for a purchase or advance, whether for his own account or for others; but not so much thereof as will leave him without the qualifications hereinafter mentioned, nor without an express minute of the board of directors sanctioning the same.

Power to  
borrow.

7. The directors may for time to time borrow money at such rates of interest and upon such terms as they may think proper; and may for the purpose of borrowing money make any bonds or debentures under the seal of the company: they may also take money on deposit from shareholders or others, repayable after three months from the date of such deposit in such manner as the directors may approve and determine: Provided that the aggregate of such bonds or debentures and special deposits shall not exceed four-fifths of the subscribed capital of the company.

Proviso.

Power to act  
as agency or  
trust com-  
pany.

8. The company shall have power to act as an agency or trust company, and to hold upon trust any real estate bearing interest by way of rental, and may give in respect thereof certificates of part ownership, and may issue mortgage bonds which shall be a charge upon such real estate alone, and may have upon their face any stipulation with regard to the applications of the rentals which the nature of the case may demand; and the company may receive payments for the performance of such trust.



9. The company shall not engage in manufacturing enterprises, but it shall be lawful for the said company, in places where it owns real estate, to join with other owners in granting sums by way of loans to encourage the establishment of such enterprises, but every such bonus shall be sanctioned by at least three-fourths of the board of directors: the company may in the same way subscribe for the making of roads and sidewalks, drains and the like improvements in the vicinity of its properties: if the company makes the said improvements under its own directors, it may receive subscriptions in aid thereof from other parties interested.

Not to engage in manufactures, but may grant bonuses therefor.

10. It shall be lawful for municipal councils to exempt from taxation for municipal and school purposes any lands which the company may reclaim or improve by drainage or otherwise, or to contract with the company for such exemptions in the event of their undertaking such improvements, for such period not exceeding ten years as may to the said councils seem proper.

Municipalities may grant exemption to certain cases.

11. The capital stock of the company shall be five hundred thousand dollars, divided into shares of one hundred dollars each; which said capital stock may be from time to time increased, as the wants of the company may require, by vote of the shareholders, at any general meeting called for that purpose, to an amount not exceeding two millions of dollars in the whole: it shall be paid in by the shareholders in instalments or otherwise, as the directors of the company shall require or as the by-laws may provide; and in case any instalment or instalments shall not be paid as required by the directors, within such time as they may require, which shall not be less than thirty days, they may summarily forfeit any share whenever such payment is not made, and the same shall thereafter become the property of the company; or, if they so prefer, the directors may sell the said shares at public auction, or through a broker who is a member of a recognised board of brokers, and may, after payment of expenses, refund to the owner the balance paid in upon such shares.

Capital stock.

12. The stock of the company shall be deemed personalty, and be assignable; and no transfer of any share shall be valid until entered in the books of the company according to such form as the directors may from time to time appoint; and until the full amount of the calls made shall have been paid up, it shall be necessary to obtain the consent of the directors to such transfer being made: Provided always that no shareholder indebted to the company shall be permitted to make a transfer, or receive a dividend, until such debt be paid or secured to be paid to the satisfaction of the directors.

Stock to be personalty.

Transfer.

13. At all meetings of the company, any shareholder not being in arrears in respect of any call shall be entitled to one vote for each share held by him, and all votes may be given in person or by proxy: Provided always the proxy is held by a shareholder qualified to vote.

Votes of shareholders.

14. The stock, property and affairs of the company shall be under the management of a board, one of whom shall be elected president, and, if they so choose, another vice-president, by and among themselves, and no one shall be a director unless

First board of directors.



he possess in his own right at least twenty shares of the capital stock of the company, and the first directors shall be Alexander Manning, Robert Jaffray and ; and the number of directors shall continue to be , until otherwise determined by the shareholders at their annual 5 meeting, when the number may be changed from year to year, but not so as to be more than nine nor less than three; and if any director shall die, resign, refuse or become incapable to act, or cease to be a director from any other cause, the remaining directors shall, if they think proper, elect in 10 his place another shareholder to be a director, who shall hold office until the next annual meeting: in addition to the above, the board of directors shall have power to appoint any qualified shareholder residing at a distance from the head office to be a local director, with such power as they may by resolu- 15 tion determine: such local directors shall not exceed five in number; they shall have seats and may vote at all meetings of the board when they are present at the head office of the company, but the quorum of the board shall not, by reason of the appointment of any local directors be required to exceed the 20 usual number, which shall be at least half the number of which the board at the time being consists, nor shall it be necessary to the legality of a board-meeting to notify thereof such local directors.

Local directors.

Corresponding board.

**15.** In any other country or province where stock is held, 25 there may be a corresponding board of three or five directors, to whom the same regulations shall apply as in the case of local directors above mentioned.

General meetings for election of Board of Directors.

**16.** The above-mentioned directors shall hold office until the first Monday in February next after the said company shall 30 have commenced, and thereafter the directors shall be appointed at a general meeting of shareholders to be holden on that day, annually, at such place and in such manner as the directors for the time being shall appoint; but any of the directors may, previous to the first general meeting, resign and be replaced 35 as in the next preceding section specified.

Failure to elect directors not to dissolve company.

**17.** In case at any time an election of directors shall not be made on the day herein appointed, the company shall not on that account be dissolved, but it shall be lawful on any other day to hold and make an election of directors: if the directors 40 do not themselves within one month after the time above prescribed call together a general meeting, it may be done by any five shareholders, who shall advertise the same for thirty consecutive days in one of the principal newspapers of the City of Toronto. 45

Powers of Board of Directors.

**18.** The board of directors shall administer and conduct the affairs of the company, open and close stock books, adopt a common seal, call in all instalments of stock and appoint the mode and time of paying in the same, forfeit or sell stock for non-payment thereof, make by-laws, declare and pay dividends, 50 appoint and remove the officers and agents of the company, fix the security to be given by them and the amount of their remuneration whether by percentage or otherwise; resolutions passed by the board of directors shall have the effect and force of by-laws, but no resolution shall be lawful if contrary to a 54

resolution passed by the shareholders at any general meeting ; notice of every general meeting, whether annual or special, shall be published for at least two weeks in at least one of the principal daily newspapers of the City of Toronto.

Notice of meetings.

5 **19.** The shareholders shall not be responsible for any act, default on liability whatever of the company, or for any engagement, claim, payment, loss, injury, matter or thing whatsoever relating to the company, beyond the amount unpaid upon their shares in the stock thereof.

Liability of shareholders.

10 **20.** The company shall not commence business operations until at least fifty thousand dollars are subscribed, and ten per centum thereof paid in.

When business may commence.

**21.** The company shall have power to purchase the stock, estate, franchise or other rights and property of any other land or loan company, or building or saving society ; and may in that case exercise in respect to such estate, all the rights of such company, and enforce all covenants made by it whether with its members or other parties ; in such case it may arrange to give its stock instead of cash, either in whole or in part, but in that event the purchaser must have the consent of the shareholders at a special meeting, before the issue of the said stock can be legally made : on the purchase of any mortgages given to building societies by members of such societies, the company shall be substituted in all the rights of such building society, and may enforce all covenants for fines and forfeitures made with such society, as fully as if the actions were in the name of such building society.

Power to purchase stock of other companies.

BILL,

An Act to incorporate the Toronto Land and  
Loan Company.

First Reading, 1878.

(*PRIVATE BILL.*)

Mr. PATTERSON (*Essex.*)

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to authorize the Town of Dundas to exempt  
Messrs. Fisher from taxes.

**W**HEREAS the Corporation of the Town of Dundas, and Preamble.  
Messrs. John Fisher & Sons have, by petition, prayed  
that the Corporation of the Town of Dundas may be em-  
powered to pass a by-law exempting the said John Fisher &  
5 Sons from payment of municipal taxes for the period of twenty-  
one years, on new buildings erected by them in the Town of  
Dundas, since the first day of January, one thousand eight  
hundred and seventy-seven, or which they may build in con-  
nection with their paper manufactory, and on any machinery  
10 which may have been put into said buildings since said date,  
or on any which may hereafter be put into the same and used  
therein; and whereas it is expedient to grant the prayer of  
the said petition;

Therefore Her Majesty, by and with the advice and consent  
15 of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. The Municipal Council of the Town of Dundas is hereby  
empowered to pass a by-law at any regular sittings of the said  
council to be held hereafter, exempting Messrs. John Fisher &  
20 Sons, or their heirs and assigns, or their lessees or tenants from  
payment of municipal taxes, for the period of twenty-one  
years from the passing of this Act, on any new buildings erect-  
ed by them in the Town of Dundas since the first day of Jan-  
uary, in the year of Our Lord one thousand eight hundred and  
25 seventy-seven, or which they may build in connection with  
their paper manufactory in said Town of Dundas, and on any  
machinery which may have been put into said buildings since  
said date, or on any which may hereafter be put into the same  
and used and employed by them therein; but nothing in this  
30 Act shall exempt from taxation any building or buildings erect-  
ed prior to the said first day of January, one thousand eight  
hundred and seventy-seven, or any machinery in any buildings  
erected prior to said date and used therein in connection  
with said paper manufactory prior to said date aforesaid:
- 35 Provided always, that no such by-law shall be valid until  
the same has been submitted to the rate-payers, or the property  
holders of said town, and has received their sanction in the  
manner provided by law in case of by-laws of municipal  
councils requiring the assent of the electors of a municipality  
40 before the final passing thereof.

By-law may  
pass exempt-  
ing Messrs.  
Fisher from  
taxation for  
21 years.

To be sub-  
mitted to rate-  
payers.



Third Session, Third Parliament, 41 Vic. 1878.

BILL.

An Act to authorize the Town of Dundas to exempt Messrs. Fisher from taxes.

First Reading,	1878.
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(*PRIVATE BILL.*)

Mr. MCMAHON.

An Act to authorize the Town of Dundas to exempt  
Messrs. Fisher from taxes.

**W**HEREAS the Corporation of the Town of Dundas, and Preamble.  
Messrs. John Fisher & Sons have, by petition, prayed  
that the Corporation of the Town of Dundas may be em-  
powered to pass a by-law exempting the said John Fisher &  
5 Sons from payment of municipal taxes for the period of twenty-  
one years, on new buildings erected by them in the Town of  
Dundas, since the first day of January, one thousand eight  
hundred and seventy-seven, or which they may build in con-  
nection with their paper manufactory, and on any machinery  
10 which may have been put into said buildings since said date,  
or on any which may hereafter be put into the same and used  
therein; and whereas it is expedient to grant the prayer of  
the said petition;

Therefore Her Majesty, by and with the advice and consent  
15 of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. The Municipal Council of the Town of Dundas is hereby  
empowered to pass a by-law at any regular sittings of the said  
council to be held hereafter, exempting Messrs. John Fisher &  
20 Sons, or their heirs and assigns, or their lessees or tenants from  
payment of municipal taxes, for the period of twenty-one years  
from the passing of this Act, on any new buildings erected by  
them in the Town of Dundas, *in connection with their paper  
manufactory*, since the first day of January, in the year of  
Our Lord one thousand eight hundred and seventy-seven, or  
25 which they may build in connection with said paper manu-  
factory in said Town of Dundas, and on any machinery which  
may have been put into said buildings since said date, or on  
any which may hereafter be put into the same and used and  
employed by them therein; but nothing in this Act shall  
30 exempt from taxation any building or buildings erected prior  
to the said first day of January, one thousand eight hundred  
and seventy-seven, or any machinery in any buildings erected  
prior to said date and used therein in connection with said  
paper manufactory prior to said date aforesaid: *Provided al-*  
35 *ways, that all the provisions of the Municipal Act as to by-laws*  
*for raising on the credit of the Municipality money not re-*  
*quired for its ordinary expenditure, and not payable within*  
*the same municipal year, shall apply to the said by-law, such*  
*provisions being those which require and relate to the assent*  
40 *of electors and otherwise.*

By-law may  
pass exem-  
ing Messrs.  
Fisher from  
taxation for  
21 years;

To be sub-  
mitted to rate-  
payers.

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Third Session, Third Parliament, 41 Vic. 1878.

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BILL.

An Act to authorize the Town of Dundas to  
exempt Messrs. Fisher from taxes.

*(Reprinted as Amended.)*

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First Reading, 25th January, 1878.

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(PRIVATE BILL.)

MR. McMAHON,

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TORONTO:

PRINTED BY HUNTER, ROSE & CO

An Act respecting the Belleville and North Hastings  
Railway Company.

**W**HEREAS the Belleville and North Hastings Railway Company have, by their petition, asked that the time for the completion of their railway may be extended, and that the bonuses voted in aid of the said road by the Municipalities of the Township of Madoc and the County of Hastings be confirmed, and to extend the time for the completion of the works which either of the said municipalities may have passed or may hereafter pass, so as to entitle said company on its completion to such bonuses ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

**1.** The fifty-first section of the Act passed in the thirty-seventh year of Her Majesty's reign, chapter thirty eight, intituled, "An Act to incorporate the Belleville and North Hastings Railway Company," shall be, and the same is hereby amended by erasing therefrom the word "four" in the second line of the said section, and substituting the word "six."

37 Vic., c. 38,  
sec. 51,  
amended.

**2.** The by-law number eighty-one passed by the Corporation of the Township of Madoc, granting a bonus of thirty thousand dollars to the Belleville and North Hastings Railway Company, and for the issuing of the debentures therefor to the amount of thirty thousand dollars, to be given by way of bonus to the said Belleville and North Hastings Railway Company by the Municipality of the Township of Madoc, also a certain by-law number three hundred and three, passed by the Corporation of the County of Hastings, intituled, "A By-law to authorize the granting of a bonus to the Belleville and North Hastings Railway Company, to the extent of thirty thousand dollars," and for the issuing of the debentures therefor, to the amount of thirty thousand dollars, to be given by way of bonus to the said Belleville and North Hastings Railway Company by the Municipality of the County of Hastings, be, and the said by-laws and all extensions thereof, are hereby declared legal, valid, and binding upon the said corporations respectively, and all others whomsoever, and that the said corporations shall at any others hereafter have power to extend from time to time said bonus by-laws until the completion of the works, on the completion of which the said company shall be entitled to such bonuses.

By-laws of  
Madoc and  
Hastings  
valid.



Third Session, Third Parliament, 41 Vic. 1878.

BILL.

An Act respecting the Belleville and North  
Hastings Railway Company.

First Reading,	1878.
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(PRIVATE BILL.)

Mr. BOULTER.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Belleville and North Hastings  
Railway Company.

WHEREAS the Belleville and North Hastings Railway Company have, by their petition, asked that the time for the completion of their railway may be extended, and that the bonuses voted in aid of the said road by the Municipalities of the Township of Madoc and the County of Hastings be confirmed, and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The fifty-first section of the Act passed in the thirty-seventh year of Her Majesty's reign, chapter thirty eight, intituled, " An Act to incorporate the Belleville and North Hastings Railway Company," shall be, and the same is hereby amended by erasing therefrom the word " four " in the second line of the said section, and substituting the word " five."

37 Vic., c. 38,  
sec. 51,  
amended.

2. The by-law number eighty-one passed by the Corporation of the Township of Madoc, granting a bonus of thirty thousand dollars to the Belleville and North Hastings Railway Company, and for the issuing of the debentures therefor to the amount of thirty thousand dollars, to be given by way of bonus to the said Belleville and North Hastings Railway Company by the Municipality of the Township of Madoc, also a certain by-law number three hundred and three, passed by the Corporation of the County of Hastings, intituled, " A By-law to authorize the granting of a bonus to the Belleville and North Hastings Railway Company, to the extent of thirty thousand dollars," and for the issuing of the debentures therefor, to the amount of thirty thousand dollars, to be given by way of bonus to the said Belleville and North Hastings Railway Company by the Municipality of the County of Hastings, be, and the said by-laws and all extensions thereof, are hereby declared legal, valid, and binding upon the said corporations respectively, and all others whomsoever, and that on the completion of said Railway and works mentioned in said by-laws, the said Company shall be entitled to such bonuses ; Provided always, if the said Railway is not completed and in running order by the first day of November next, the by-law for the Township of Madoc, granting a bonus of thirty thousand dollars to said Railway, shall lapse, unless the Municipal Council for said Township shall by by-law declare otherwise.

By-laws of  
Madoc and  
Hastings  
valid.

BILL.

An Act respecting the Belleville and North  
Hastings Railway Company.

*(Reprinted as Amended.)*

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First Reading, 23rd January, 1878.

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*(PRIVATE BILL.)*

Mr. BOULTER.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to enable the County of Bruce to assume the railway debts of certain municipalities.

WHEREAS, in the year of our Lord one thousand eight hundred and sixty-nine, the municipal corporation of the County of Bruce passed a by-law providing for the issue of the debentures of said county to the amount of two hundred and fifty thousand dollars, payable in twenty years, with interest at six per centum per annum, and delivered said debentures to the Wellington, Grey and Bruce Railway Company, as a bonus to aid said company in the construction of their line of road through said county from Clifford to Southampton; and whereas there yet remains due of the debt created by the issue of said debentures, the sum of two hundred and twenty-seven thousand dollars, or thereabouts, and interest, with a sum to the credit of the sinking fund for the payment of said debt of eighty-seven thousand five hundred dollars, or thereabouts; and whereas the municipalities of the townships of Kinloss, Huron and Kincardine, in the year of our Lord one thousand eight hundred and seventy-two, created a separate sectional debt of fifty-one thousand dollars by by-law, and the issue of debentures thereunder, to aid the Wellington, Grey and Bruce Railway Company in constructing the south branch of the said road, and there yet remains unpaid on said separate debt the sum of forty-three thousand dollars or thereabouts; and whereas the township of Culross and the village of Teeswater also created a sectional debt of forty-three thousand dollars and interest, to aid the Toronto, Grey and Bruce Railway Company to extend their line of road to Teeswater, in the said county, and there yet remains unpaid the whole of said debt and interest, less arrears of interest, with a credit to the sinking fund, for the redemption of said debt, of thirteen thousand dollars, or thereabouts; and whereas the County Council of said County of Bruce is desirous that the corporation of the County of Bruce assume the whole unpaid railway debts of said several municipalities created to aid the construction of said south branch of the Wellington, Grey and Bruce Railway, and relieve said several municipalities therefrom, and a portion of the railway debt of said township of Culross and the village of Teeswater, created to aid said Toronto, Grey and Bruce Railway Company to the extent of ten thousand dollars, on condition that the assuming of said debts and relieving said municipalities therefrom, receive the assent of the electors of said county; and whereas it is expedient to grant the same;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:



The County of Bruce may assume the debts of townships in aid of W. G. B. Ry. and T. G. B. Ry.

Proviso.

By-law to pass at next session of Council.

By-law to provide for publication and voting.

County Council to fix day and places for voting on by-law.

Voting on the by-law to be as prescribed in Municipal Act.

Sinking funds of townships.

Levying of rates for payment of debts.

1. It shall be lawful for the County Council of the County of Bruce to pass a by-law to assume the unpaid debts of said townships of Kinloss, Huron and Kincardine, created to aid said south branch of said Wellington, Grey and Bruce Railway Company, and a portion of the railway debt of said township of Culross and the village of Teeswater, created to aid said Toronto, Grey and Bruce Railway Company, to the extent of ten thousand dollars; provided the by-law that may be passed by the County Council of said County of Bruce, under the provisions of this Act to assume said debts before it shall become law, receive the assent of a majority of the municipal electors of the said County of Bruce. 5 10

2. The by-law to assume said debts shall be passed by the County Council of said County of Bruce at the session thereof next after the passing of this Act.

3. The said by-law shall provide that the same be published, and the votes of the municipal electors of said County of Bruce be taken thereon and closed, on some day to be named in said by-law, not later than two months from the date of the passing of said by-law by said County Council of said county. 15

4. The said County Council of said county shall, by said by-law, fix the day and hour for taking the votes of the electors thereon, and at such places in the municipality as the Council shall, in their discretion, deem best; and such day shall not be less than three, nor more than five weeks after the first publication of said by-law. 20 25

5. The said County Council shall cause the said by-law to be published and voted upon in the manner prescribed by the Municipal Institutions Act, passed in the thirty-sixth year of Her Majesty's reign, chapter forty-eight, section two hundred and thirty-one; and for this purpose, and all other purposes connected with ascertaining the desire of the said municipal electors under this Act, the proceedings shall be conducted in the manner, as nearly as may be, as the voting on by-laws for creating debts, except as herein otherwise enacted. 30

6. Should the said by-law receive the assent of the majority of the municipal electors of said county, the said county shall immediately thereafter, become entitled to the several sinking funds accumulated to meet said several debts, with the exception of the sinking fund of the said township of Culross, and the village of Teeswater; and the same shall then, with the exception aforesaid, vest in and become the property of the said County of Bruce, and the said municipalities, with the exception aforesaid, shall then hand over said funds to the Treasurer of said county. 35 40

7. In the event of the said by-law receiving the assent of the electors of said county, as aforesaid, the County Council of said County of Bruce shall cause to be levied on the whole taxable property in said county, including the taxable property of said several municipalities, whose several debts have been so assumed, such sums as shall be necessary to meet the several payments, with the exception of the debt of the said township of Culross and the village of Teeswater; and of that debt sums 45 50

sufficient to discharge the said sum of ten thousand dollars, being a portion of the railway debt of said last mentioned municipalities.

8. Should the said by-law receive a majority of the votes of By-law when  
5 the municipal electors of said county, the said by-law shall valid.  
immediately thereafter become valid, and the same shall not  
thereafter require to be voted upon or passed by the said  
County Council of the said County of Bruce.

BILL.

An Act to enable the County of Bruce to assume the railway debts of certain municipalities.

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First Reading,	1878.
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(*PRIVATE BILL.*)

Mr. SINCLAIR.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co

An Act to enable the County of Bruce to assume the railway debts of certain municipalities *in the said county, and to enable said county to provide for the payment of the same.*

WHEREAS *the corporation of the County of Bruce, by their* Preamble.  
*petition represent that in the year of our Lord one thousand eight hundred and sixty-nine, the municipal corporation of the County of Bruce passed a by-law providing for the*  
5 *issue of the debentures of said county to the amount of two hundred and fifty thousand dollars, payable in twenty years, with interest at six per centum per annum, and delivered said debentures to the Wellington, Grey and Bruce Railway Company, as a bonus to aid said company in the construction of*  
10 *their line of road through said county from Clifford to Southampton; and whereas there yet remains due of the debt created by the issue of said debentures, the sum of two hundred and twenty-seven thousand dollars, or thereabouts, and interest, with a sum to the credit of the sinking fund for the payment of*  
15 *said debt of eighty-seven thousand five hundred dollars, or thereabouts; and whereas the municipalities of the townships of Kinloss, Huron and Kincardine, in the year of our Lord one thousand eight hundred and seventy-two, created a separate sectional debt of fifty-one thousand dollars by by-law, and the*  
20 *issue of debentures thereunder, to aid the Wellington, Grey and Bruce Railway Company in constructing the south branch of the said road, and there yet remains unpaid on said separate debt the sum of forty-three thousand dollars or thereabouts and interest, with the sum to the credit of the sinking fund for the*  
25 *payment of the said debt and interest of five thousand three hundred dollars or thereabouts; and whereas the said town of Kincardine in said county, also created a separate debt of eight thousand dollars and interest, to aid in the construction of said south branch of said line of railway, and there yet remains*  
30 *unpaid the whole of said debt and interest, less arrears of interest with a credit to the sinking fund of two thousand dollars or thereabouts; and whereas the township of Culross and the village of Teeswater also created a sectional debt of forty-three thousand dollars and interest, to aid the Toronto, Grey and Bruce*  
35 *Railway Company to extend their line of road to Teeswater, in the said county, and there yet remains unpaid the whole of said debt and interest, less arrears of interest, with a credit to the sinking fund, for the redemption of said debt, of thirteen thousand eight hundred dollars, or thereabouts; and whereas the*  
59 *County Council of said County of Bruce is desirous and has petitioned that the corporation of the County of Bruce be em-*



powered to assume the whole unpaid railway debts of said several municipalities created to aid the construction of said south branch of the Wellington, Grey and Bruce Railway, and relieve said several municipalities therefrom, and a portion of the railway debt of said township of Culross and the village of Teeswater, created to aid said Toronto, Grey and Bruce Railway Company on condition that the assuming of the whole or portions of said debts and relieving said municipalities therefrom, receive the assent of the electors of said county; and whereas it is expedient to grant the prayer of such petition; 5 10

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** It shall be lawful for the County Council of the County of Bruce to pass a by-law to assume the whole or such portions 15 of the unpaid debts of said townships of Kinloss, Huron and Kincardine, and said town of Kincardine created to aid said south branch of said Wellington, Grey and Bruce Railway Company, and such portion of the railway debt of said township of Culross and the village of Teeswater, created to aid said Toronto, Grey and Bruce Railway Company, as the said council may by said by-law determine; provided always that all the provisions of the Municipal Act as to by-laws for raising on the credit of the municipality money not required for its ordinary expenditure, and not payable within the same municipal year, shall apply to the said by-law, such provisions being those which require and relate to assent of electors and otherwise. 25

*The County of Bruce may assume the debts of townships in aid of W. G. B. Ry. and T. G. B. Ry.*

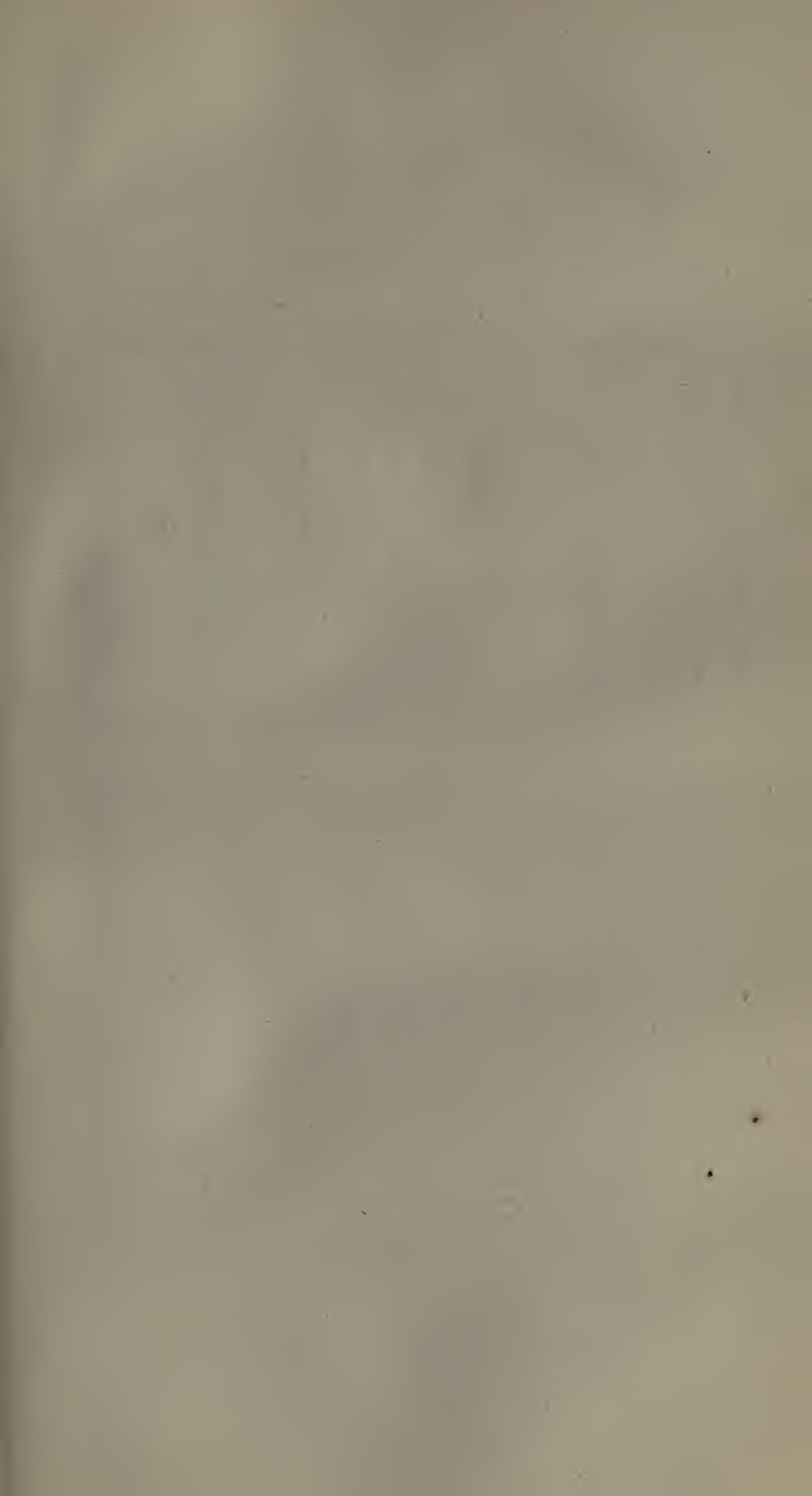
*Proviso.*

**2.** The said by-law may be passed by the County Council of said County of Bruce at the June session thereof next after the passing of this Act, or at any legal adjournment thereof, but 30 not afterwards.

*By-law to pass at next session of Council.*

**3.** Immediately after the passing and coming into effect of said by-law, the said several sinking funds shall vest in and become the property of, and be transferred to the said county to the extent and in the manner provided in and by said by-law. 35

*Sinking Funds to become the property of the County.*



BILL.

An Act to enable the County of Bruce to assume the railway debts of certain municipalities.

*(Reprinted as Amended.)*

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First Reading, 24th January, 1878.

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*(PRIVATE BILL.)*

MR. SINCLAIR.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO.

## An Act respecting the Elmsley Estate.

**W**HEREAS by an indenture bearing date the eighteenth day of August, one thousand eight hundred and seventy, made between Remigius Elmsley of the first part, Nina Bradshaw, now Nina Elmsley, of the second part, Charlotte Elmsley, the mother of the said Remigius Elmsley of the third part, and Peter Eaton, Maskell Sylvester, Christopher Bradshaw, George Sherwood Crawford (in the said indenture named George Crawford) and Alexander Robertson, therein and hereinafter called the said trustees of the fourth part, (which indenture was registered in the registry office for the City of Toronto, on the eleventh day of October, one thousand eight hundred and seventy, by No. 3172 B), after reciting that a marriage was then intended (which was afterwards duly had and solemnized) between the said Remigius Elmsley and Nina Bradshaw, it is amongst other things witnessed that, in pursuance of the agreement therein mentioned, and in consideration of the said marriage the said Charlotte Elmsley did thereby grant unto the said trustees and their heirs, all and singular that certain parcel or tract of land situate in the said City of Toronto, and being composed of part of park lot ten in the first concession from the bay in the said City of Toronto, known as Barnstable Villa, and may be more particularly described as follows: commencing at the point of intersection of the boundary line between park lots ten and eleven with the northern boundary of Saint Joseph Street; thence easterly along the north side of Saint Joseph Street three hundred feet six inches to a lane; thence northerly along the western boundary of the said lane six hundred and thirty-five feet to Saint Mary Street; thence westerly along the southern boundary of Saint Mary Street two hundred and ninety-seven feet seven inches to the boundary line between the said park lots ten and eleven; thence southerly along the said boundary line six hundred and forty feet to the place of beginning, together with the messuage standing thereon, called Barnstable Villa, and all buildings, fixtures, fences, commons, ways, water-courses, rights, privileges, easements, advantages and appurtenances whatsoever to the said hereditaments or any part thereof, now, or heretofore enjoyed or reputed as part or member thereof or appurtenant thereto, which premises are hereinafter designated the Barnstable Villa property, to have and to hold the said premises unto the said trustees and their heirs after the solemnization of the said marriage, to such uses and with and subject to such powers, provisos, agreements and declarations as are in the said indentures limited and declared concerning the same; and whereas no power of leasing (except for a term not exceeding twenty-one years) or of selling the said land and premises is by the said indenture granted to the said trustees, by reason whereof the same re-

Preamble.



main totally unproductive, and a source of outlay and cannot be made available for the purposes of the said trust: and whereas all the parties to the said indenture are desirous that the said trustees or other the trustees for the time being of the said indenture should be enabled to sell the said land and premises in the manner and subject to the trusts and provisions hereinafter expressed: and have by their petition prayed for the enactment hereinafter contained; and whereas it is expedient to grant the prayer of the said petition: 5

Therefore Her Majesty, by and with the advice and consent 10 of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Power to sell.**

1. It shall be lawful for the said trustees, and the survivors and survivor of them, his or their heirs or assigns, or other the future trustee or trustees for the time being of the said indenture who may be hereafter appointed under the proviso in that behalf therein contained, or by any court having competent jurisdiction, at the request in writing of the said Charlotte Elmsley during her life, and after her death at the respective request in writing of the said Remigius Elmsley, until the determination under the proviso in the said indenture contained of the estate thereby limited to him, and of the said Nina Elmsley during her life, and after the determination under the same proviso of the estate thereby limited to the said Remigius Elmsley, and the death of the said Nina Elmsley during the minority of any child or children of the said marriage, who, if of full age would be entitled to the possession or to the receipt of the rents and profits of the said premises, by the said indenture, granted by the said Remigius Elmsley or of any undivided share or shares thereof at the discretion of the said trustee or trustees for the time being, at one time or from time to time, to sell all or any part or parts of the said Barnstable Villa property either by public auction or private contract, and upon any special or other stipulations as to title or evidence or terms of payment or security for payment or otherwise, and the said trustees or trustee for the time being may buy in, rescind or vary any contract for sale, and re-sell without being responsible for any loss occasioned thereby, and for effecting any such sale it shall be lawful for the said trustees or trustee for the time being with such consent or at such discretion as aforesaid by any deed or deeds to revoke all or any of the uses and powers in the said indenture limited, and declared concerning the said premises or any part thereof which may interfere or be inconsistent with the effecting of any such sale (but subject to any lease which may have been granted under the power of leasing contained in the said indenture) and generally for any such purpose as aforesaid, to do and execute all such deeds, conveyances, assurances and things, and to take and receive such mortgage or mortgages or other securities, to secure any unpaid portion of purchase money and interest therefor, as they or he shall think fit. 50

**How trustees to dispose of purchase moneys.**

2. Subject to the proviso hereinafter contained, the said trustees or trustee for the time being shall take, receive and hold all purchase moneys which may become payable upon any such sale and all mortgage or other securities which may be taken for any unpaid purchase money as aforesaid, and all moneys which shall be paid upon or in respect of any such securities 55

upon the same trusts, and to and for the same purposes and subject to the same powers and directions as are declared and contained in the said indenture, in respect of the purchase money payable upon the sale of the lands therein expressed to be granted to the said trustees by the said Remigius Elmsley, or as near thereto as the deaths of parties and other intervening circumstances will admit.

3. Provided always, that, with the consent or at the discretion specified in the first section of this Act, it shall not be incumbent upon the said trustees or trustee to invest such purchase moneys or the moneys to be received on such securities as aforesaid in the purchase of other lands, but the same or any part thereof may with such consent or at such discretion as aforesaid be invested in any of the securities mentioned in the said indenture.

Powers to invest.

4. All such last mentioned investments and the moneys secured thereby and payable thereupon shall be received and held by the said trustees or trustee for the time being upon the said trusts in the same manner, for the same persons and subject to the same powers, declarations and provisos as are in the said indenture expressed and declared respecting the securities specified in the schedule thereunder written, or as near thereto as the deaths of parties and other intervening circumstances will admit.

Trustees of investments

5. It shall also be lawful for the said trustees or trustee for the time being of the said indenture, with such consent or at such discretion as aforesaid, from time to time to grant building or other leases of the said Barnstable Villa property or of any portion or portions thereof for any term not exceeding twenty-one years, to take effect immediately in possession so as there be reserved the best yearly rent or rents that can be reasonably gotten for the same, (but in case any such lease shall be made on the surrender of a former lease granted under any power contained in the said indenture, the value of the Lessee's interest under such surrendered lease may be taken into account in fixing the terms of the new lease) and so as there be contained in every such lease a proviso for re-entry on non-payment of rent or non-performance of covenants, a covenant not to assign or sublet without leave, and other usual or proper covenants in leases of freehold lands and tenements.

Powers to trustees to grant leases.

6. Any lease which shall be made under the authority of this Act may contain a clause or covenant for the perpetual renewal from time to time of the term thereby granted for a further term, provided that no one term shall exceed twenty-one years, and that the yearly rental to be fixed as the ground rent in every such renewal lease shall be fixed by three or the majority of three indifferent persons or arbitrators, one of whom shall be nominated by the intended Lessors or Lessor for the time being, or their or his agent in the Province of Ontario, the other by the Tenant or Lessee for the time being, and the third by the two arbitrators firstly appointed as aforesaid, provided always that every such lease, whether original or renewal, shall contain a clause providing that the Lessors or Lessor for the time being shall have the option of paying the Tenant or Lessee for the time being at the expiration of the

Covenant for renewal.

then current term, the value of the buildings and other improvements at the time of such expiration erected and being on the demised premises, and that upon such payment being made any right of renewal of such term shall cease and be void, and that in case the parties shall differ as to the value of such buildings and improvements and the amount to be paid for the same, then that such amount shall be settled and decided in a similar manner to that hereinbefore provided for the determination of the rent to be paid on the renewal of a lease. 5

Application  
of rentals.

7. All rentals which shall be received under any of the aforesaid leases shall be received, paid and applied in the same manner for the same purposes and to the same person or persons as are specified and mentioned in the said indenture in respect of the rents and profits of the hereditaments therein expressed to be granted by the said Remigius Elmsley and Charlotte Elmsley. 15

Persons beneficially interested may change renewals.

8. If at the time when any renewal lease is to be made all the trusts and powers expressed in the said indenture shall have been executed or shall be determined, and the trustees or trustee thereof shall desire to be discharged then (instead of the persons or person who shall have entered into any covenant for renewal their or his heirs, executors, administrators or assigns) the person or persons at such time beneficially entitled to the rents and profits of the premises comprised in any such lease shall be compellable to grant such renewal lease and may exercise the aforementioned option in the same manner and to the same extent as if he, she or they had executed the lease containing such covenant for renewal and had been of full age and otherwise *sui juris* at the time of the execution thereof. 25

Powers and indemnity clauses, &c. in the settlement to apply to dealings under this Act.

9. The several declarations, agreements and provisoes contained in the said indenture respecting the powers, authority, liability and reimbursements of the said trustees or trustee for the time being thereof, and their or his receipts for moneys shall be taken to apply to all dealings and transactions to be had or done under the authority of this Act so far as the same may be applicable to such dealings and transactions respectively. 30 35

## BILL.

An Act respecting the Elmsley Estate.

First Reading, 1878.

(PRIVATE BILL)

Hon. Mr. CAMERON

TORONTO:

PRINTED BY HUNTER, ROSE & Co.



An Act to incorporate the Saugeen Valley Railway Company.

**W**HEREAS the construction of a railway from a point in Preamble.  
or near the Village of Mount Forest, in the County of  
Wellington, to a point in or near the Town of Walkerton, in  
the County of Bruce, has become desirable for the public con-  
5 venience and accommodation of the inhabitants thereof; and  
whereas John McLay, David Moore, and others have petitioned  
that an Act may pass to construct the railway aforesaid; and  
whereas it is expedient to grant the prayer of the said petition;  
Therefore Her Majesty, by and with the advice and consent  
10 of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

**1.** John McLay, David Moore, Alexander Sproat and Charles Incorporation  
Walter Stovel, all of the Town of Walkerton, James Brocelbank, and corporate  
and Benjamin Cannon, both of the Township of Brant; Albert name.  
15 Goetz and William Hales Clendening, both of the Township of  
Carrick; Alexander Sandfield McEdwards, John Weiner, Noah  
Wenger, Mortimer Lynch, and William Henry Ryan, all of the  
Township of Normanby; together with such persons and cor-  
porations as shall in pursuance of this Act become shareholders  
20 of the said company hereby incorporated, are hereby constituted  
and declared to be a body corporate and politic by the name of  
the Saugeen Valley Railway Company.

**2.** The several clauses of the Railway Act of Ontario, and Railway Act  
also the several clauses thereof with respect to "interpretation," to apply.  
25 "incorporation," "powers," "plans and surveys," "lands and  
their valuation," "highways and bridges," "fences," "tolls,"  
"general meetings," "president and directors, their election and  
duties," "calls," "dividends," "shares and their transfer,"  
"shareholders," "powers of municipalities," "by-laws, notices,  
30 &c.," "working of the railway," "actions for indemnities and  
fines and penalties and their prosecutions," and "general pro-  
visions," shall be incorporated with and deemed to be a part of  
this Act, and shall apply to the said company and to the rail-  
way to be constructed by them, except only so far as they may  
35 be inconsistent with the express enactments hereof, and the  
expression "this Act" when used herein shall be understood to  
include the clauses of the said Railway Act of Ontario so incor-  
porated with this Act.

**3.** The said company shall have full power under this Act to Location of  
40 construct a railway from any point in or near the Village of line.  
Mount Forest to a point in or near the Town of Walkerton,  
with full powers to pass over any portion of the county between  
the points aforesaid.



Gauge.

4. The said railway may be constructed of any gauge.

Form of conveyance of land, etc.

5. Conveyances of land to the said company for the purposes of, and powers given by this Act made in the form set out in the schedule "A" hereto annexed, or the like effect shall be sufficient conveyance to the said company, their successors and assigns of the the estate or interest and sufficient bar of dower respectively of all persons executing the same and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Law of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicate thereof. 5 10

Provisional Directors.

6. The said John McLay, David Moore, Alexander Sproat, Charles Walter Stovel, James Brocelbank, Benjamin Cannon, 15 Albert Goetz, William Hales Clendenning, Alexander Sandfield McEdwards, John Weiner, Noah Wenger, Mortimer Lynch and William Henry Ryan shall be provisional directors of the said company.

Powers of provisional directors.

7. The said provisional directors until others shall be named 20 as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring therein, to associate with themselves thereon not more than three other persons, who upon being so named shall become and be provisional directors of the company equally with themselves; to 25 open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and with all such other power as under the Railway Act and any other law in force in Ontario are vested in such boards. 30

Capital stock.

8. The capital of the company hereby incorporated shall be twenty-five thousand dollars (with power to increase the same in the manner provided by the Railway Act) to be divided into five hundred and sixty shares of fifty dollars each, and shall be raised by the persons and corporations who may become 35 shareholders in such company, and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act and for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder 40 of such moneys shall be applied to the making, equipment and completion of the said railway and the other purposes of this Act, and until such preliminary expenses shall be paid out of the said capital stock the municipality of any county, town, township or village on the line of such works may pay out of 45 the general funds of such municipality its fair proportion of such preliminary expenses which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company or be allowed to it in payment of stock. 50

Ten per cent. of stock to be paid up.

9. On the subscription for shares of the said capital stock each subscriber shall within three days thereafter pay ten per centum of the amount subscribed by him into some chartered

bank to be designated by the directors to the credit of the said company.

**10.** Thereafter calls may be made by the directors for the time being as they shall see fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at intervals of not less than thirty days. Subsequent calls.

**11.** The said provisional directors, or the elected directors, may pay or agree to pay in paid up stock or in the bonds of the said company such sums as they may deem expedient to engineers or contractors, or for right of way, or material, or plant, or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. Payment of bonds to Engineers, etc

**12.** As soon as shares to the amount of ten thousand dollars of the capital stock of the company shall have been subscribed and ten per centum thereof paid into some chartered Bank having an office in the County of Bruce, which shall on no account be withdrawn therefrom unless for the services of the company, the directors shall call a general meeting of the subscribers to the said capital stock who shall have so paid up ten per centum thereof for the purpose of electing directors of the said company. When meeting for election of directors may be called.

**13.** It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof, at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed. Payments of stock in full.

**14.** In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed and ten per centum so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum and who are subscribers among them for not less than five hundred dollars of the capital stock, and who have paid up all calls thereon. Provisions in case of neglect to call meeting.

**15.** In either case notice of the time and place of holding such general meeting shall be given in the *Ontario Gazette*, and in one local newspaper once in each week for the space of at least four weeks, and such meeting shall be held at the Town of Walkerton, at such place therein and on such day as may be named by such notice. At such general meeting the subscribers for the capital stock assembled who shall have so paid ten per centum thereof with such proxies as may be present shall choose nine persons to be the directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient provided they be not inconsistent with this Act. Notice of meeting to be in Ontario Gazette.

General  
annual  
meetings.

**16.** Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the Town of Walkerton and on such days and at such hours as may be directed by the by-laws of the said company and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and in one local newspaper once in each week. 5

Special  
meetings.

**17.** Special general meetings of the shareholders of the said company may be held at such places in the Town of Walkerton and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company. 10

Shareholders  
right to vote,  
etc.

**18.** Every shareholder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote for every share held by him provided that no one shareholder shall be entitled to more than fifty votes at any meeting notwithstanding the amount of shares held by him, and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid at least one week before the day appointed for such meeting. 15

Qualification  
of directors.

**19.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls due thereon. 20

Quorum.

**20.** Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the directors. 25

Aid from  
municipalities  
by loan, etc.

**21.** And it shall further be lawful for any municipality or municipalities or any county municipality or any portion of any such municipality or municipalities or county municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, to aid and assist the said company by loaning or guaranteeing or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipalities or any of them shall think expedient, provided always that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose and the adoption of such by-laws by the ratepayers as provided in the Municipal Act for the creation of debts. 30 35 40

Proviso.

By-law for aid.

**22.** In case fifty persons at least, rated on the last revised assessment roll of any municipality as freeholders who may be qualified voters under the Municipal Act, do petition the council of such municipality and in such petition expressing the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall within four weeks after the receipt of such petition introduce a by-law and submit the same to the vote of the qualified voters; and in case 45 50



aid is desired from any portion of a township municipality if at least fifty of the persons who are qualified voters as aforesaid in any portion of the said township municipality do petition the council of such municipality to pass a by-law, in such  
 5 petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid the construction of the said railway by granting a bonus to the said company and stating the amount they so desire to grant and be assessed for, the  
 10 council of such municipality shall within four weeks after the receipt of such petition introduce the requisite by-law and submit the same to the approval of the qualified voters of the said portion of such municipality; and in case aid is desired from any county municipality, upon the petition of at least fifty  
 15 persons who are qualified voters in each such county municipality, and in case aid is desired from any portion of a county municipality, upon the petition of at least twenty persons qualified voters from each minor municipality or the portion thereof to be affected by the by-law as the case may be, or upon the  
 20 petition of the majority of the reeves and deputy reeves of such county municipality as reside in the said portion from which aid is desired, and in case a portion of a county do in such petition define the municipality or municipalities within such county municipality, and the metes and bounds of the  
 25 portion or portions of the municipality or municipalities forming the portion of the county municipality that may be asked to grant, aid and in either case in such petition expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company and  
 30 stating the amount which they so desire to grant and be assessed for, the council of the county municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law and submit the same to the vote of the qualified voters of the county or of the portion of the county defined in the said  
 35 petition as the case may be, in the same manner and to the same effect as if they had introduced the same of their own motion, and upon any such petition being presented to the warden or other head of any county, or the reeve, mayor, or other head of any municipality, he shall forthwith call a meeting of the  
 40 council of such municipality to be held within four weeks thereafter for the purpose of introducing such by-law and submitting the same to the vote of the qualified voters.

**23.** The said aid and assistance by the loaning or guaranteeing or giving of money by way of bonus or other means or the  
 45 issuing of municipal bonds for the purposes and in the manner set out in this Act may be given to the said company by any portion of any municipality whether the metes and bounds of such portion of a county municipality as set forth in the by-law for granting such aid be the metes and bounds of minor municipalities or be so defined as to comprise a minor municipality or  
 50 minor municipalities and portions of minor municipalities or to comprise only portions of minor municipalities, and in case of a portion of a minor municipality granting such aid then the debentures to be issued shall be those of such minor municipality, and in case of portions of a county municipality as  
 55 aforesaid then such debentures shall be those of the county municipality.

Portions of municipalities may grant aid.



Minor  
municipality.

**24.** It is declared that the words "minor municipality" herein mean and are to be read and construed as "Town, Village or Township."

Council may  
submit by-  
law.

**25.** The proper council may, under this Act of their own motion, and without any previous petition therefor, submit the requisite by-law in that behalf for the approval of the qualified voters of the municipality or portion of the municipality to be affected thereby. 5

Passage of  
by-law.

**26.** In case such by-law be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting the said council shall read the said by-law a third time and pass the same. 10

When  
debentures  
may issue.

**27.** Within one month after the passing of such by-law the said council and the warden, mayor, reeve, or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted and deliver the same to the trustees appointed or to be appointed under this Act. 15

Bonus granted  
by portion of  
municipality.

**28.** In case any bonus be so granted by a portion of a municipality or county municipality the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of the municipality or county municipality. 20

Municipal Act  
to apply.

**29.** The provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality or county municipality to the same extent as if the same had been passed by or for the whole municipality or county municipality. 25

By-laws valid  
although rate  
exceed two  
cents.

**30.** All by-laws to be submitted to such votes for granting bonuses to the said company shall be valid, although the amount of the annual rate to be levied in pursuance thereof shall exceed two cents on the dollar. 30

Power to  
exempt from  
taxation.

**31.** It shall further be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate by by-law specially passed for that purpose to exempt the said company and its property within such municipality either in whole or in part from municipal assessment or taxation or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment or in lieu of all or any municipal rates or assessment to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years. 35 40

Delivery of  
debentures to  
trustees.

**32.** Whenever any municipality shall grant a bonus to aid the said company in the making, equipping, and completion of the said railway the debentures, therefor shall within six weeks after the passing of the by-law authorising the same, be delivered to three trustees, namely:—One to be appointed by the said company, and one by a majority of the reeves and deputy reeves of all the municipalities or portions granting bonuses prior to the first day of July next, and one to be named by the Lieutenant-Governor in Council, provided that if the Lieutenant 45 50

Governor in Council shall refuse or neglect to name such trustee within one month after notice in writing to him requiring him to appoint such trustee, the said company shall be at liberty to name one in the place of the one to have been named by the  
5 said Lieutenant-Governor in Council.

**33.** Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council with the consent of the said company, and in case any trustee die or resign his trust or go to live out of  
10 Ontario or otherwise become incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council with the consent of the said company.

Trustee may be removed.

**34.** The act of any such two trustees shall be as valid and  
15 binding as if the three had agreed.

Act of two trustees valid.

**35.** The said trustees shall receive the said debentures in trust firstly to convert the same into money, second to deposit the amount realized from the sale of such debentures in some chartered bank having an office in Walkerton, in the name of  
20 "The Saugeen Valley Railway Municipal Trust Account," and to pay the same out to the said company from time to time on the certificate of the chief engineer of the said railway, in the form set out in schedule "B" hereto or to the like effect, setting out the portion of the railway to which the money to be paid out is  
25 to be applied and the total amount to be expended on such portion, to date from the certificate, and that the sum so certified does not exceed the pro rata amount per mile for the length of the road or portion of the road to be applied on the work so done, and such certificates to be attached to the cheques to be  
30 drawn by the said trustees, and the wrongfully granting any such certificate by such engineer shall be punishable by a fine of not less than one hundred dollars recoverable in any court of competent jurisdiction in the Province of Ontario.

Powers of trustees of debentures.

**36.** Any county in which is or are situate a township or  
35 townships or portion of a township that shall grant a bonus or bonuses in aid of the said company shall be at liberty to take the debentures issued by such township or townships or portion of a township, and in exchange therefor to hand over to the trustees under this Act the debentures of the county, on a reso-  
40 lution being passed to that effect by a majority of the county council.

County may assume township debentures.

**37.** The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose,  
45 shall have power to issue bonds to any amount not exceeding ten thousand dollars per mile of railway, to be signed by the president or vice-president of said company, and countersigned by the secretary and treasurer and under the seal of the said company, for the purpose of raising money for prosecuting the  
50 said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be first and preferential claims and charges upon the said undertaking and the property of the said company, real and personal, then existing and at any times thereafter acquired, and each holder of the said

Power to issue preferential bonds.

bond, shall be deemed to be a mortgagee and incumbrancer pro rata with all the other holders thereof upon the undertaking and the property of the company as aforesaid, and provided also further that in the event at any time of the interest upon the said bonds remaining unpaid and owing then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof; all such bonds, debentures, mortgages, and other securities and coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery and any holder of any such so made payable to bearer may sue at law thereon in his own name.

Proviso.

Power to become parties to notes, etc.

**38.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company and countersigned by the secretary and treasurer of the said company and under the authority of a quorum of the directors shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary and treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted, provided however that nothing in this section shall be construed to authorise the said company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Arbitration as to value of lands.

**39.** When stone, gravel or any other material is or are required for the construction or maintenance of said railway or any part thereof the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required and they shall serve a copy thereof with their notice of arbitration as in the case of acquiring the roadway, and all the provisions of the Railway Act of Ontario as to the service of the said notice, arbitration, compensation, deeds, payment of money in court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section and to the obtaining materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken or for the right to take material for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to to state the interest required.

Sidings.

**40.** When said gravel, stone, or other materials shall be taken under the preceding section of this Act, at a distance from the



line of the railway, the company may lay down the necessary siding and track over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Act of Ontario and of this Act, except such as relates to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be acquired for a term of years or permanently as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

41. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining, and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto if the same be separated from their railway, and may sell and convey the same or part thereof, from time to time as they may deem expedient.

Power to acquire whole lots.

42. The said company shall have the right on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever lying along the route or line of said railway, and to erect and maintain such fences thereon subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect to such railway, to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Crown land.

43. The said railway company shall at all times receive and carry cordwood, or any wood for fuel at a rate not to exceed for dry wood three cents per mile per cord, from all stations exceeding fifty miles, and at a rate not exceeding three and-a-half cents per cord per mile from all stations under fifty miles in full car loads, and for green wood, at the rate of three cents per ton per mile.

Carriage of Cordwood at three cents per mile.

44. The company shall further at all times furnish every facility necessary for the free and unrestrained traffic in cordwood to as large an extent as in the case of other freight carried over the said railway.

Free traffic of Cordwood.

45. Cordwood, or wood for fuel cut before the first day of March, in any year, shall be deemed for the purposes of this Act dry wood by the first of October following and not before.

Dry wood.

46. The railway shall be commenced within two years, and completed within five years, or else the charter shall be forfeited as regards so much of the railway not completed.

Commencement and completion.



Arrangements  
with other  
roads.

47. The said company shall have power to make running arrangements with the Toronto, Grey and Bruce Railway company upon terms to be approved of by two-thirds of the shareholders present in person, or by proxy, at any special general meeting to be held for that purpose in accordance with this Act. 5

Arrangement  
with Toronto,  
Grey & Bruce  
Company.

48. It shall be lawful for the said company to enter into an agreement with the Toronto, Grey and Bruce Railway Company for the absolute sale to the last named company or for the leasing to them of the said Saugeen Valley Railway or any part thereof, or for the use thereof at any time or times, or for the leasing or hiring any locomotives, tenders, plant, rolling stock, or other property, or either or both, or any part thereof, or for the conveyance and transit of traffic for or with the said company, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangement and agreements shall be approved of by two-thirds of the shareholders voting in person, or by proxy at a special general meeting to be called in accordance with this Act for that purpose, and every such agreement shall be valid and binding upon both companies, and shall be enforced by courts of law and equity, according to the terms and tenor thereof, and the said Toronto, Grey and Bruce Railway Company accepting any conveyance or lease in pursuance of any such agreement shall have, and are hereby empowered to exercise all the rights and privileges conferred by this Act. 10 15 20 25

#### SCHEDULE "A."

Know all men by these presents that I (or we) [*insert the name or names of the vendor or vendors*] in consideration of dollars paid to me (or us) by the Saugeen Valley Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert the name of any other party or parties*] in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant, release all that certain parcel (or those certain parcels as the case may be) of land situate (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Saugeen Valley Railway Company, their successors and assigns [*here insert any other clauses, covenants or conditions required*], and I (or we the wife or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals)  
this day of one thousand eight hundred  
and

Signed, sealed and delivered }  
in the presence of }

[L.S.]

## SCHEDULE "B."

## CHIEF ENGINEER'S DEPARTMENT.

The Saugeen Valley Railway Company's Office, Engineer's  
Department. No. . A.D. 18 .

Certificate to be attached to cheques drawn on the Saugeen  
Valley Railway Municipal Trust Account, and given under  
section chapter Victoria.

I , Chief Engineer for the Saugeen Valley  
Railway Company, do hereby certify that there has been ex-  
pended in the construction of mile number (the  
said mileage being numbered consecutively from .

) the sum of dollars, to date, and that  
the total *pro rata* amount due for the same from the said  
Municipal Trust Account, amounts to the sum of  
dollars, which said sum of dollars, is now due and  
payable as provided under said Act.

Third Session, Third Parliament, 41 Vic. 1878.

BILL.

An Act to incorporate the Saugeen Valley  
Railway Company.

First Reading,	1878.
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(*PRIVATE BILL.*)

Mr. SINCLAIR,

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the Saugeen Valley Railway Company.

**W**HEREAS the construction of a railway from a point in Preamble.  
 or near the Village of Mount Forest, in the County of  
 Wellington, to a point in or near the Town of Walkerton, in  
 the County of Bruce, has become desirable for the public con-  
 5 venience and accommodation of the inhabitants thereof; and  
 whereas John McLay, David Moore, and others have petitioned  
 that an Act may pass to construct the railway aforesaid; and  
 whereas it is expedient to grant the prayer of the said petition;  
 Therefore Her Majesty, by and with the advice and consent  
 10 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:—

**1.** John McLay, David Moore, Alexander Sproat and Charles  
 Walter Stovel, all of the Town of Walkerton, James Brocelbank,  
 and Benjamin Cannon, both of the Township of Brant; Albert  
 15 Goetz and William Hales Clendenning, both of the Township of  
 Carrick; Alexander Sandfield McEdwards, John Weinert, Noah  
 Wenger, Mortimer Lynch, and William Henry Ryan, all of the  
 Township of Normanby; together with such persons and cor-  
 porations as shall in pursuance of this Act become shareholders  
 20 of the said company hereby incorporated, are hereby constituted  
 and declared to be a body corporate and politic by the name of  
 the Saugeen Valley Railway Company.

Incorporation  
and corporate  
name.

**2.** The several clauses of the Railway Act of Ontario, and Railway Act  
 also the several clauses thereof with respect to "interpretation," to apply.  
 25 "incorporation," "powers," "plans and surveys," "lands and  
 their valuation," "highways and bridges," "fences," "tolls,"  
 "general meetings," "president and directors, their election and  
 duties," "calls," "dividends," "shares and their transfer,"  
 "shareholders," "powers of municipalities," "by-laws, notices,  
 30 &c.," "working of the railway," "actions for indemnities and  
 fines and penalties and their prosecutions," and "general pro-  
 visions," shall be incorporated with and deemed to be a part of  
 this Act, and shall apply to the said company and to the rail-  
 way to be constructed by them, except only so far as they may  
 35 be inconsistent with the express enactments hereof, and the  
 expression "this Act" when used herein shall be understood to  
 include the clauses of the said Railway Act of Ontario so incor-  
 porated with this Act.

**3.** The said company shall have full power under this Act to Location of  
 40 construct a railway from any point in or near the Village of line.  
 Mount Forest to a point in or near the Town of Walkerton,  
 with full powers to pass over any portion of the *country* between  
 the points aforesaid.



Gauge.

4. The said railway may be constructed of any gauge.

Form of conveyance of land, etc.

5. Conveyances of land to the said company for the purposes of, and powers given by this Act made in the form set out in the schedule "A" hereto annexed, or the like effect shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest and sufficient bar of dower respectively of all persons executing the same and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Law of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicate thereof.

Provisional Directors.

6. The said John McLay, David Moore, Alexander Sproat, Charles Walter Stovel, James Brocelbank, Benjamin Cannon, Albert Goetz, William Hales Clendening, Alexander Sandfield McEdwards, John Weinert, Noah Wenger, Mortimer Lynch and William Henry Ryan shall be provisional directors of the said company.

Powers of provisional directors.

7. The said provisional directors until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring therein, to associate with themselves thereon not more than three other persons, who upon being so named shall become and be provisional directors of the company equally with themselves; to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and with all such other power as under the Railway Act and any other law in force in Ontario are vested in such boards.

Capital stock.

8. The capital of the company hereby incorporated shall be twenty-five thousand dollars (with power to increase the same in the manner provided by the Railway Act) to be divided into five hundred shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act and for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such moneys shall be applied to the making, equipment and completion of the said railway and the other purposes of this Act, and until such preliminary expenses shall be paid out of the said capital stock the municipality of any county, town, township or village on the line of such works may pay out of the general funds of such municipality its fair proportion of such preliminary expenses which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company or be allowed to it in payment of stock.

Ten per cent. of stock to be paid up.

9. On the subscription for shares of the said capital stock each subscriber shall within three days thereafter pay ten per centum of the amount subscribed by him into some chartered

bank to be designated by the directors to the credit of the said company.

10. Thereafter calls may be made by the directors for the time being as they shall see fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at intervals of not less than thirty days. Subsequent calls.

11. The said provisional directors, or the elected directors, may pay or agree to pay in paid up stock or in the bonds of the said company such sums as they may deem expedient to engineers or contractors, or for right of way, or material, or plant, or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. Payment of bonds to Engineers, etc

12. As soon as shares to the amount of ten thousand dollars of the capital stock of the company shall have been subscribed and ten per centum thereof paid into some chartered Bank having an office in the County of Bruce, which shall on no account be withdrawn therefrom unless for the services of the company, the directors shall call a general meeting of the subscribers to the said capital stock who shall have so paid up ten per centum thereof for the purpose of electing directors of the said company. When meeting for election of directors may be called.

13. It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof, at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed. Payments of stock in full.

14. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed and ten per centum so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum and who are subscribers among them for not less than five hundred dollars of the capital stock, and who have paid up all calls thereon. Provisions in case of neglect to call meeting.

15. In either case notice of the time and place of holding such general meeting shall be given in the *Ontario Gazette*, and in one local newspaper once in each week for the space of at least four weeks, and such meeting shall be held at the Town of Walkerton, at such place therein and on such day as may be named by such notice. At such general meeting the subscribers for the capital stock assembled who shall have so paid ten per centum thereof with such proxies as may be present shall choose nine persons to be the directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient provided they be not inconsistent with this Act. Notice of meeting to be in Ontario Gazette.

General  
annual  
meetings.

**16.** Thereafter the general annual meeting of the shareholders of the said company shall be held in such place and on such days and at such hours as may be directed by the by-laws of the said company and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and in one local newspaper once in each week for four weeks. 5

Special  
meetings.

**17.** Special general meetings of the shareholders of the said company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company. 10

Shareholders  
right to vote,  
etc.

**18.** Every shareholder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote for every share held by him provided that no one shareholder shall be entitled to more than fifty votes at any meeting notwithstanding the amount of shares held by him, and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid at least one week before the day appointed for such meeting. 15

Qualification  
of directors.

**19.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls due thereon. 20

Quorum.

**20.** Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the directors. 25

Aid from  
municipalities.

**21.** And it shall further be lawful for any municipality or any portion of any township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, to aid and assist the said company by loaning or guaranteeing or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipality shall think expedient: provided always, that when the said bonds or debentures are granted by a portion of a township municipality, the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for that purpose and the adoption of such by-laws by the ratepayers as provided in the Municipal Act for the creation of debts. 30 35 40

Proviso.

Petitions for  
aid.

**22.** In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy reeves or of twenty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act. 45


Submission of  
by-laws to the  
voters.



**23.** In case fifty persons at least, rated on the last revised assessment roll of any municipality other than a county municipality as freeholders, who may be qualified voters under 50




the Municipal Act, do petition the council of such municipality and in such petition express the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of such petition introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality if at least fifty of the persons who are qualified voters as aforesaid in any portion of the said township municipality do petition the council of the said municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company and stating the amount they so desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of such petition introduce the requisite by-law and submit the same to the approval of the qualified voters of the said portion of such township municipality:

(1.) For raising the amount so petitioned for by such freeholders in such portion of the municipality by the issue of debentures of the municipality, payable in twenty years, or by annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus at the times and on the terms specified in said petition:



(2.) For assessing and levying upon all the ratable property lying within the section defined by the said petition, an equal annual special rate as near as may be sufficient to include a sinking fund for the repayment of the debentures with interest thereon, or for the payment of the said yearly instalment and interest, said interest to be payable yearly or half-yearly. 

 24. And in case such by-law be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting the said council shall read the said by-law a third time and pass the same. 


Passing of  
by-law.

 25. And within one month after the passing of such by-law the said council and the warden, mayor, reeve, or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.


When  
debentures  
may issue.

 26. In case any bonus be so granted by a portion of a municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of the municipality. 


Bonus granted  
by portion of  
municipality.

 27. The provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality to the same extent as if the same had been passed by or for the whole municipality.

Municipal Act  
to apply.

 28. All by-laws to be submitted to such vote for granting bonuses to the said company, not requiring the levy of a greater annual rate for all purposes, exclusive of school rates, By-laws to be valid if the rate does not exceed three cents on the \$.



than three cents on the dollar of the rateable property affected thereby, shall be valid. 

Power to  
exempt from  
taxation.

**29.** It shall further be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate by by-law specially passed 5 for that purpose to exempt the said company and its property within such municipality either in whole or in part from municipal assessment or taxation or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment or in lieu of all or any municipal rates 10 or assessment to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years.

Delivery of  
debentures to  
trustees.

**30.** Whenever any municipality shall grant a bonus to aid the said company in the making, equipping, and completion of 15 the said railway the debentures, therefor shall within six weeks after the passing of the by-law authorising the same, be delivered to three trustees, namely:—One to be appointed by the said company, and one by a majority of the reeves and deputy reeves of all the municipalities or portions granting bonuses prior 20 to the first day of *January* next, and one to be named by the Lieutenant-Governor in Council, provided that if the Lieutenant Governor in Council shall refuse or neglect to name such trustee within one month after notice in writing to him requiring him to appoint such trustee, the said company shall be at liberty 25 to name one in the place of the one to have been named by the said Lieutenant-Governor in Council.



Trustee may  
be removed.

**31.** Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council with the consent of the said company, and 30 in case any trustee die or resign his trust or go to live out of Ontario or otherwise become incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council with the consent of the said company. 35

Act of two  
trustees valid.

**32.** The act of any two trustees of such shall be as valid and binding as if the three had agreed.

Powers of  
trustees of  
debentures.

 **33.** The said trustees shall receive the said debentures in trust: firstly to convert the same into money; secondly to deposit the amount realized from the sale of such debentures in some 40 one or more of the chartered banks of the Province or Dominion, in the name of "The Saugeen Valley Railroad Company Municipal Trust Account," and to pay the same unto the company from time to time on the certificate of the chief engineer of the said company, in the form set out in the schedule "B" hereto, or 45 to the like effect, setting out how the money is to be applied, and that the sum so certified for is in pursuance of the terms and conditions (if such there be) of the by-law, and such certificate is to be attached to the cheques drawn by the said trustees. 

County may  
assume  
township  
debentures.

**34.** Any county in which is or are situate a township or 50 portion of a township that shall grant a bonus or bonuses in aid of the said company shall be at liberty to take the debentures issued by such township or portion of a township, and in

exchange therefor to hand over to the trustees under this Act the debentures of the county, on a resolution being passed to that effect by a majority of the county council.

- 35.** The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding ten thousand dollars per mile of railway, to be signed by the president or vice-president of said company, and countersigned by the secretary and treasurer and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be first and preferential claims and charges upon the said undertaking and the property of the said company, real and personal, then existing and at any times thereafter acquired, and each holder of the said bond, shall be deemed to be a mortgagee and incumbrancer pro rata with all the other holders thereof upon the undertaking and the property of the company as aforesaid, and provided also further that in the event at any time of the interest upon the said bonds remaining unpaid and owing then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof; all such bonds, debentures, mortgages, and other securities and coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery and any holder of any such so made payable to bearer may sue at law thereon in his own name.

Power to issue preferential bonds.

Proviso.

- 36.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company and countersigned by the secretary and treasurer of the said company and under the authority of a quorum of the directors shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary and treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted, provided however that nothing in this section shall be construed to authorise the said company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Power to become parties to notes, etc.

- 37.** When stone, gravel or any other material is or are required for the construction or maintenance of said railway or any part thereof the company may, in case they cannot agree with the owner of the lands on which the same are situate for

Arbitration as to value of lands.

the purchase thereof, cause a provincial surveyor to make a map and description of the property so required and they shall serve a copy thereof with their notice of arbitration as in the case of acquiring the roadway, and all the provisions of the Railway Act of Ontario as to the service of the said notice, arbitration, 5 compensation, deeds, payment of money in court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section and to the obtaining materials as aforesaid, and such proceedings may be had by the said company either for the 10 right to the fee simple in the land from which said material shall be taken or for the right to take material for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to to state the interest required.

Sidings.

**38.** When said gravel, stone, or other materials shall be taken 15 under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and track over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of 20 the Railway Act of Ontario and of this Act, except such as relates to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be acquired for a term of years or permanently 25 as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Power to acquire whole lots.

**39.** Whenever it shall be necessary for the purpose of pro- 30 curing sufficient lands for stations, or gravel pits, or for constructing, maintaining, and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by pur- 35 chasing the railway line only, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto if the same be separated from their railway, and may sell and convey the same or part thereof, from time to time as they 40 may deem expedient.

Crown land.

**40.** The said company shall have the right on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever lying along the route or line of said railway, and to erect and maintain snow fences thereon subject 45 to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect to such railway, to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following. 50

Carriage of Cordwood at three cents per mile.

**41.** The said railway company shall at all times receive and carry cordwood, or any wood for fuel at a rate not to exceed for dry wood three cents per mile per cord, from all stations exceeding fifty miles, and at a rate not exceeding three and-a-half cents per cord per mile from all stations under fifty miles 55



in full car loads, and for green wood, at the rate of three cents per ton per mile.

**42.** The company shall further at all times furnish every facility necessary for the free and unrestrained traffic in cord-wood to as large an extent as in the case of other freight carried over the said railway. Free traffic of Cordwood.

**43.** Cordwood, or wood for fuel cut before the first day of March, in any year, shall be deemed for the purposes of this Act dry wood by the first of October following and not 10 before. Dry wood.

**44.** The railway shall be commenced within two years, and completed within five years, or else the charter shall be forfeited as regards so much of the railway not completed. Commencement and completion.

**45.** The said company shall have power to make running arrangements with the Toronto, Grey and Bruce Railway company upon terms to be approved of by two-thirds of the shareholders present in person, or by proxy, at any special general meeting to be held for that purpose in accordance with this Act. Arrangements with other roads.

**46.** It shall be lawful for the said company to enter into an agreement with the Toronto, Grey and Bruce Railway Company for the absolute sale to the last named company or for the leasing to them of the said Saugeen Valley Railway or any part thereof, or for the use thereof at any time or times, or for the leasing or hiring any locomotives, tenders, plant, rolling stock, or other property, or either or both, or any part thereof, or for the conveyance and transit of traffic for or with the said company, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangement and agreements shall be approved of by two-thirds of the shareholders voting in person, or by proxy at a special general meeting to be called in accordance with this Act for that purpose, and every such agreement shall be valid and binding upon both companies, and shall be enforced by courts of law and equity, according to the terms and tenor thereof, and the said Toronto, Grey and Bruce Railway Company accepting any conveyance or lease in pursuance of any such agreement shall have, and are hereby empowered to exercise all the rights and privileges conferred by this Act. Arrangement with Toronto, Grey & Bruce Company.

#### SCHEDULE "A."

Know all men by these presents that I (or we) [*insert the name or names of the vendor or vendors*] in consideration of dollars paid to me (or us) by the Saugeen Valley Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert the name of any other party or parties*] in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant, release all that certain parcel (or those certain parcels as the case may be)



of land situate (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Saugeen Valley Railway Company, their successors and assigns [*here insert any other clauses, covenants or conditions required*], and I (*or we the wife or wives*) of the said do hereby bar my (*or our*) dower in the said ands.

As witness my (*or our*) hand and seal (*or hands and seals*)  
 this                      day of                      one thousand eight hundred  
 and

Signed, sealed and delivered }  
 in the presence of }

[L.S.]

### SCHEDULE "B."

(*See Section 33.*)

#### CHIEF ENGINEER'S CERTIFICATE.

Saugeen Valley Railroad Company's Office.

No.                      *Engineer's Department.*

187 .

Certificate to be attached to cheques drawn on the Saugeen Valley Railroad Company Municipal Trust Account, given under section                      of cap.                      Victoria.

I, A. B., Chief Engineer for the Saugeen Valley Railroad Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law, No.                      , of the Township of                      , (*or under the agreement dated the                      day of                      , between the Corporation of                      and the said company*), to entitled the said company to receive from the said trust the sum of                      (*here set out the terms and conditions, if any, which have been fulfilled*).



BILL.

An Act to incorporate the Saugeen Valley  
Railway Company.

*(Reprinted as Amended.)*

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First Reading, 23rd January, 1878.

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*(PRIVATE BILL.)*

Mr. SINCLAIR.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO

An Act to incorporate the Saugeen Valley Railway Company.

**W**HEREAS the construction of a railway from a point in Preamble.  
 or near the Village of Mount Forest, in the County of  
 Wellington, to a point in or near the Town of Walkerton, in  
 the County of Bruce, has become desirable for the public con-  
 5 venience and accommodation of the inhabitants thereof; and  
 whereas John McLay, David Moore, and others have petitioned  
 that an Act may pass to construct the railway aforesaid; and  
 whereas it is expedient to grant the prayer of the said petition;  
 Therefore Her Majesty, by and with the advice and consent  
 10 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:—

**1.** John McLay, David Moore, Alexander Sproat and Charles  
 Walter Stovel, all of the Town of Walkerton, James Brocelbank,  
 and Benjamin Cannon, both of the Township of Brant; Albert  
 15 Goetz and William Hales Clendening, both of the Township of  
 Carriek; Alexander Sandfield McEdwards, John Weinert, Noah  
 Wenger, Mortimer Lynch, and William Henry Ryan, all of the  
 Township of Normanby; together with such persons and cor-  
 porations as shall in pursuance of this Act become shareholders  
 20 of the said company hereby incorporated, are hereby constituted  
 and declared to be a body corporate and politic by the name of  
 the Saugeen Valley Railway Company.

**2.** The several clauses of the Railway Act of Ontario, and  
 also the several clauses thereof with respect to "interpretation,"  
 25 "incorporation," "powers," "plans and surveys," "lands and  
 their valuation," "highways and bridges," "fences," "tolls,"  
 "general meetings," "president and directors, their election and  
 duties," "calls," "dividends," "shares and their transfer,"  
 "shareholders," "powers of municipalities," "by-laws, notices,  
 30 &c.," "working of the railway," "actions for indemnities and  
 fines and penalties and their prosecutions," and "general pro-  
 visions," shall be incorporated with and deemed to be a part of  
 this Act, and shall apply to the said company and to the rail-  
 way to be constructed by them, except only so far as they may  
 35 be inconsistent with the express enactments hereof, and the  
 expression "this Act" when used herein shall be understood to  
 include the clauses of the said Railway Act of Ontario so incor-  
 porated with this Act.

**3.** The said company shall have full power under this Act to  
 40 construct a railway from any point in or near the Village of  
 Mount Forest to a point in or near the Town of Walkerton,  
 with full powers to pass over any portion of the *country* between  
 the points aforesaid.



Gauge

4. The said railway may be constructed of any gauge.

Form of  
conveyance of  
land, etc.

5. Conveyances of land to the said company for the purposes of, and powers given by this Act made in the form set out in the schedule "A" hereto annexed, or the like effect shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest and sufficient bar of dower respectively of all persons executing the same and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Law of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicate thereof.

Provisional  
Directors.

6. The said John McLay, David Moore, Alexander Sproat, Charles Walter Stovel, James Brocelbank, Benjamin Cannon, Albert Goetz, William Hales Clendening, Alexander Sandfield McEdwards, John Weinert, Noah Wenger, Mortimer Lynch and William Henry Ryan shall be provisional directors of the said company.

Powers of  
provisional  
directors.

7. The said provisional directors until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring therein, to associate with themselves thereon not more than three other persons, who upon being so named shall become and be provisional directors of the company equally with themselves; to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and with all such other power as under the Railway Act and any other law in force in Ontario are vested in such boards.

Capital stock

8. The capital of the company hereby incorporated shall be twenty-five thousand dollars (with power to increase the same in the manner provided by the Railway Act) to be divided into five hundred shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act and for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such moneys shall be applied to the making, equipment and completion of the said railway and the other purposes of this Act, and until such preliminary expenses shall be paid out of the said capital stock the municipality of any county, town, township or village on the line of such works may pay out of the general funds of such municipality its fair proportion of such preliminary expenses which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company or be allowed to it in payment of stock.

Ten per cent.  
of stock to be  
paid up.

9. On the subscription for shares of the said capital stock each subscriber shall within three days thereafter pay ten per centum of the amount subscribed by him into some chartered

bank to be designated by the directors to the credit of the said company.

10. Thereafter calls may be made by the directors for the time being as they shall see fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at intervals of not less than thirty days.

Subsequent calls.

11. The said provisional directors, or the elected directors, may pay or agree to pay in paid up stock or in the bonds of the said company such sums as they may deem expedient to engineers or contractors, or for right of way, or material, or plant, or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Payment of bonds to Engineers, etc

12. As soon as shares to the amount of ten thousand dollars of the capital stock of the company shall have been subscribed and ten per centum thereof paid into some chartered Bank having an office in the County of Bruce, which shall on no account be withdrawn therefrom unless for the services of the company, the directors shall call a general meeting of the subscribers to the said capital stock who shall have so paid up ten per centum thereof for the purpose of electing directors of the said company.

When meeting for election of directors may be called.

13. It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof, at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed.

Payments of stock in full.

14. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed and ten per centum so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum and who are subscribers among them for not less than five hundred dollars of the capital stock, and who have paid up all calls thereon.

Provisions in case of neglect to call meeting.

15. In either case notice of the time and place of holding such general meeting shall be given in the *Ontario Gazette*, and in one local newspaper once in each week for the space of at least four weeks, and such meeting shall be held at the Town of Walkerton, at such place therein and on such day as may be named by such notice. At such general meeting the subscribers for the capital stock assembled who shall have so paid ten per centum thereof with such proxies as may be present shall choose nine persons to be the directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient provided they be not inconsistent with this Act.

Notice of meeting to be in Ontario Gazette.

General  
annual  
meetings.

**16.** Thereafter the general annual meeting of the shareholders of the said company shall be held in such place and on such days and at such hours as may be directed by the by-laws of the said company and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and in one local newspaper once in each week for four weeks.

Special  
meetings.

**17.** Special general meetings of the shareholders of the said company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company.

Shareholders  
right to vote,  
etc.

**18.** Every shareholder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote for every share held by him provided that no one shareholder shall be entitled to more than fifty votes at any meeting notwithstanding the amount of shares held by him, and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid at least one week before the day appointed for such meeting.

Qualification  
of directors.

**19.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls due thereon.

Quorum.

**20.** Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the directors.

Aid from  
municipalities.

**21.** And it shall further be lawful for any municipality or any portion of any township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, to aid and assist the said company by loaning or guaranteeing or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipality shall think expedient: provided always, that when the said bonds or debentures are granted by a portion of a township municipality, the bonds or debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for that purpose and the adoption of such by-laws by the ratepayers as provided in the Municipal Act for the creation of debts.

Proviso.

Petitions for  
aid.

**22.** In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy reeves or of twenty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act.


Submission of  
by-laws to the  
voters.



**23.** In case fifty persons at least, rated on the last revised assessment roll of any municipality other than a county municipality as freeholders, who may be qualified voters under




the Municipal Act, do petition the council of such municipality and in such petition express the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so  
 5 desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of such petition introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality if at least fifty of the persons who  
 15 are qualified voters as aforesaid in any portion of the said township municipality do petition the council of the said municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid  
 20 in the construction of the said railway by granting a bonus to the said company and stating the amount they so desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of such petition introduce the requisite by-law and submit the same to the approval  
 20 of the qualified voters of the said portion of such township municipality:

(1.) For raising the amount so petitioned for by such freeholders in such portion of the municipality by the issue of debentures of the municipality, payable in twenty years, or by  
 25 annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus at the times and on the terms specified in said petition:



(2.) For assessing and levying upon all the ratable property lying within the section defined by the said petition, an equal  
 30 annual special rate as near as may be sufficient to include a sinking fund for the repayment of the debentures with interest thereon, or for the payment of the said yearly instalment and interest, said interest to be payable yearly or half-yearly. 

 24. And in case such by-law be approved or carried by  
 35 the majority of the votes given thereon, then within one month after the date of such voting the said council shall read the said by-law a third time and pass the same. 


Passing of by-law.

 25. And within one month after the passing of such by-law the said council and the warden, mayor, reeve, or other  
 40 head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.


When debentures may issue.

 26. In case any bonus be so granted by a portion of a municipality, the rate to be levied for payment of the debentures  
 45 issued therefor and the interest thereon shall be assessed and levied upon such portion only of the municipality. 


Bonus granted by portion of municipality.

 27. The provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law so  
 50 passed by or for a portion of a municipality to the same extent as if the same had been passed by or for the whole municipality.

Municipal Act to apply.

 28. All by-laws to be submitted to such vote for granting bonuses to the said company, not requiring the levy of a greater annual rate for all purposes, exclusive of school rates,  
 By-laws to be valid if the rate does not exceed three cents on the \$.



than three cents on the dollar of the rateable property affected thereby, shall be valid. 

Power to  
exempt from  
taxation.

**29.** It shall further be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate by by-law specially passed 5 for that purpose to exempt the said company and its property within such municipality either in whole or in part from municipal assessment or taxation or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment or in lieu of all or any municipal rates 10 or assessment to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years.

Delivery of  
debentures to  
trustees.

**30.** Whenever any municipality shall grant a bonus to aid the said company in the making, equipping, and completion of 15 the said railway the debentures, therefor shall within six weeks after the passing of the by-law authorising the same, be delivered to three trustees, namely :—One to be appointed by the said company, and one by a majority of the reeves and deputy reeves of all the municipalities or portions granting bonuses prior 20 to the first day of *January* next, and one to be named by the Lieutenant-Governor in Council, provided that if the Lieutenant Governor in Council shall refuse or neglect to name such trustee within one month after notice in writing to him requiring him to appoint such trustee, the said company shall be at liberty 25 to name one in the place of the one to have been named by the said Lieutenant-Governor in Council.



Trustee may  
be removed.

**31.** Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council with the consent of the said company, and 30 in case any trustee die or resign his trust or go to live out of Ontario or otherwise become incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council with the consent of the said company. 35

Act of two  
trustees valid.

**32.** The act of any two trustees of such shall be as valid and binding as if the three had agreed.

Powers of  
trustees of  
debentures.

 **33.** The said trustees shall receive the said debentures in trust: firstly to convert the same into money; secondly to deposit 40 the amount realized from the sale of such debentures in some one or more of the chartered banks of the Province or Dominion, in the name of "The Saugeen Valley Railroad Company Municipal Trust Account," and to pay the same unto the company from time to time on the certificate of the chief engineer of the 45 said company, in the form set out in the schedule "B" hereto, or to the like effect, setting out how the money is to be applied, and that the sum so certified for is in pursuance of the terms and conditions (if such there be) of the by-law, and such certificate is to be attached to the cheques drawn by the said trustees.  50

County may  
assume  
township  
debentures.

**34.** Any county in which is or are situate a township or portion of a township that shall grant a bonus or bonuses in aid of the said company shall be at liberty to take the debentures issued by such township or portion of a township, and in

exchange therefor to hand over to the trustees under this Act the debentures of the county, on a resolution being passed to that effect by a majority of the county council.

**35.** The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding ten thousand dollars per mile of railway, to be signed by the president or vice-president of said company, and countersigned by the secretary and treasurer and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be first and preferential claims and charges upon the said undertaking and the property of the said company, real and personal, then existing and at any times thereafter acquired, and each holder of the said bond, shall be deemed to be a mortgagee and incumbrancer pro rata with all the other holders thereof upon the undertaking and the property of the company as aforesaid, and provided also further that in the event at any time of the interest upon the said bonds remaining unpaid and owing then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof; all such bonds, debentures, mortgages, and other securities and coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery and any holder of any such so made payable to bearer may sue at law thereon in his own name.

36. The said company shall have power and authority to  
35 become parties to promissory notes and bills of exchange for  
sums not less than one hundred dollars, and any such promissory  
note made or endorsed by the president or vice-president of  
the company and countersigned by the secretary and treasurer  
of the said company and under the authority of a quorum of  
40 the directors shall be binding on the said company, and every  
such promissory note or bill of exchange so made shall be pre-  
sumed to have been made with proper authority until the  
contrary be shewn, and in no case shall it be necessary to have  
the seal of the said company affixed to such promissory note or  
45 bill of exchange, nor shall the president or vice-president or  
secretary and treasurer be individually responsible for the same  
unless the said promissory notes or bills of exchange have been  
issued without the sanction and authority of the directors as  
herein provided and enacted, provided however that nothing in  
50 this section shall be construed to authorise the said company to  
issue any note or bill of exchange payable to bearer or intended  
to be circulated as money or as the notes or bills of a bank.

37. When stone, gravel *earth or sand* is or are required for the construction or maintenance of said railway or any 55 part thereof the company may, in case they cannot agree with the owner of the lands on which the same are situate for Arbitration as to value of lands.

the purchase thereof, cause a provincial surveyor to make a map and description of the property so required and they shall serve a copy thereof with their notice of arbitration as in the case of acquiring the roadway, and all the provisions of the Railway Act of Ontario as to the service of the said notice, arbitration, 5 compensation, deeds, payment of money in court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section and to the obtaining materials as aforesaid, and such proceedings may be had by the said company either for the 10 right to the fee simple in the land from which said material shall be taken or for the right to take material for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to to state the interest required.

Sidings.

**38.** When said gravel, stone, *earth or sand* shall be taken 15 under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary siding and track over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of 20 the Railway Act of Ontario and of this Act, except such as relates to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be acquired for a term of years or permanently 25 as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

**(2.)** In estimating the damages for the taking of gravel, 30 stone, earth or sand, sub-section eight of section twenty of the Act respecting railways shall not apply.

Power to acquire whole lots.

**39.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining, and using the said railway, and in case 35 by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto if 40 the same be separated from their railway, and may sell and convey the same or part thereof, from time to time as they may deem expedient, but the compulsory clauses of the Railway Act shall not apply to this section.

Crown land.

**40.** The said company shall have the right on and after the 45 first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever lying along the route or line of said railway, and to erect and maintain snow fences thereon subject to the payment of such damages (if any) as may be thereafter 50 established in the manner provided by law in respect to such railway, to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following.



- 41.** The said railway company shall at all times receive and carry cordwood, or any wood, for fuel at a rate not to exceed for dry wood three cents per mile per cord, from all stations exceeding fifty miles, and at a rate not exceeding three and-a-half cents per cord per mile from all stations under fifty miles in full car loads, and for green wood, at the rate of three cents per ton per mile. Carriage of Cordwood at three cents per mile.
- 42.** The company shall further at all times furnish every facility necessary for the free and unrestrained traffic in cordwood to as large an extent as in the case of other freight carried over the said railway. Free traffic of Cordwood.
- 43.** Cordwood, or wood for fuel cut before the first day of March, in any year, shall be deemed for the purposes of this Act dry wood by the first of October following and not before. Dry wood.
- 44.** The railway shall be commenced within two years, and completed within five years, or else the charter shall be forfeited as regards so much of the railway not completed. Commencement and completion.
- 45.** The said company shall have power to make running arrangements with the Toronto, Grey and Bruce Railway company upon terms to be approved of by two-thirds of the shareholders present in person, or by proxy, at any special general meeting to be held for that purpose in accordance with this Act. Arrangements with other roads.
- 46.** It shall be lawful for the said company to enter into an agreement with the Toronto, Grey and Bruce Railway Company for the absolute sale to the last named company or for the leasing to them of the said Saugeen Valley Railway or any part thereof, or for the use thereof at any time or times, or for the leasing or hiring any locomotives, tenders, plant, rolling stock, or other property, or either or both, or any part thereof, or for the conveyance and transit of traffic for or with the said company, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangement and agreements shall be approved of by two-thirds of the shareholders voting in person, or by proxy at a special general meeting to be called in accordance with this Act for that purpose, and every such agreement shall be valid and binding upon both companies, and shall be enforced by courts of law and equity, according to the terms and tenor thereof, and the said Toronto, Grey and Bruce Railway Company accepting any conveyance or lease in pursuance of any such agreement shall have, and are hereby empowered to exercise all the rights and privileges conferred by this Act. Arrangement with Toronto, Grey & Bruce Company.

#### SCHEDULE "A."

Know all men by these presents that I (or we) [*insert the name or names of the vendor or vendors*] in consideration of \_\_\_\_\_ dollars paid to me (or us) by the Saugeen Valley Railway Company, the receipt whereof is hereby acknowledged.

2—38



knownedged, do grant and convey, and I ( *or we* ) [*insert the name of any other party or parties*] in consideration of

dollars paid to me (*or us*) by the said company, the receipt whereof is hereby acknowledged, do grant, release all that certain parcel (*or those certain parcels as the case may be*) of land situate (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Saugeen Valley Railway Company, their successors and assigns [*here insert any other clauses, covenants or conditions required*], and I (*or we the wife or wives*) of the said do hereby bar my (*or our*) dower in the said lands.

As witness my (*or our*) hand and seal (*or hands and seals*)  
this                      day of                      one thousand eight hundred  
and

Signed, sealed and delivered }  
in the presence of                      }

[L.S.]

#### SCHEDULE "B."

(*See Section 33.*)

#### CHIEF ENGINEER'S CERTIFICATE.

Saugeen Valley Railroad Company's Office.

No.                      *Engineer's Department.*

187 .

Certificate to be attached to cheques drawn on the Saugeen Valley Railroad Company Municipal Trust Account, given under section                      of cap.                      Victoria.

I, A. B., Chief Engineer for the Saugeen Valley Railroad Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law, No.                      , of the Township of                      , (*or under the agreement dated the                      day of                      , between the Corporation of                      and the said company*), to entitled the said company to receive from the said trust the sum of                      (*here set out the terms and conditions, if any, which have been fulfilled*).



BILL.

An Act to incorporate the Saugeen Valley  
Railway Company.

*(Reprinted as Amended.)*

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First Reading, 23rd January, 1878.  
Second " 11th February, 1878.

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*(PRIVATE BILL.)*

Mr. SINCLAIR.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the estate of the late Thomas Bell.

WHEREAS William Houghton Bell, of the City of Toronto, gentleman, Charles Thomas Bell, of the same place, gentleman, Thomas Hawkins Lee, of the same place, merchant, and Emily Anne, his wife, have by their petition represented that by an Act passed in the second session of the first Parliament, held in the thirty-second year of the reign of Her Majesty, Queen Victoria, chaptered number seventy-nine, and intituled "An Act for the relief of William Houghton Bell, and others interested in the estate of the late Thomas Bell," all the estate, both real and personal, of the late Thomas Bell, in the said Act named, became vested in one William Thomas Mason, as trustee upon the trust, and for the interests and purposes in the said Act mentioned and expressed: that the said William Thomas Mason, on account of illness, became incapable of attending to the trusts of the said estate, and under the powers in the said Act contained, one Walter S. Lee, became and now is, the trustee of the said estate of the said Thomas Bell: that the petitioners are advised, and believe that it will be for the benefit of the said estate, and of all parties interested therein, if the trustees for the time being of the said estate be authorized to invest the moneys of the said estate in other and further securities in addition to those allowed by the said Act; and whereas, the said William Houghton Bell, Charles Thomas Bell, Emily Anne Lee, and Thomas Hawkins Lee, have by their said petitions prayed for the enactments hereinafter contained; and whereas it is expedient to grant the prayer thereof;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows.

1. It shall be lawful for the said Walter S. Lee, and he is hereby authorized and empowered at any time or times hereafter, and from time to time at the request, and by the direction of the said William Houghton Bell, Charles Thomas Bell, Emily Anne Lee, and Thomas Hawkins Lee, or the survivor or survivors of them, to invest all or any part of the moneys of the said estate in, or upon some one or more of the investments, or securities following, that is to say, freehold or leasehold securities in the Province of Ontario, such leasehold, if for years having not less than years unexpired at the times of the investments thereon respectively, the stocks, funds, shares, debentures, mortgages or securities of any corporation, company or body, municipal, commercial or otherwise in the said Province of Ontario, with power from time to time, at the request and by the direction aforesaid; with power from time to time to alter, vary and transpose such stocks, funds, shares and securities into or for others of the same or a like nature.

Trustees authorized to invest in lands and other securities.



Trustee authorized to sell or exchange lands.

2. It shall be lawful for the said Walter S. Lee, and he is hereby authorized and empowered at any time and from time to time hereafter, at the request, or by the direction aforesaid, to sell or dispose of or exchange for other lands or hereditaments in Ontario, all or any of the lands and premises of the said estate, and upon such exchange to give and receive any money for equality of exchange. 5

Lands, &c., so acquired to be held in trusts of Cap. 79, of 32 Vict. Ont.

3. The said Walter S. Lee shall stand possessed of the lands, leaseholds, stocks, funds, shares, debentures, mortgages or securities, so to be purchased, or received in exchange as aforesaid, upon the same trusts as are contained and set forth in the said Act for the relief of William Houghton Bell, and others interested in the estate of the late Thomas Bell. 10

## BILL.

An Act respecting the estate of the late Thomas Bell.

First Reading,	1878,
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(PRIVATE BILL.)

Hon. Mr. CAMERON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

## An Act respecting the Township of Romney.

**W**HEREAS, by the petition of the Corporation of the Township of Romney, in the County of Kent, it appears that in the original survey of said township, the side road as laid out between lots numbers eighteen and nineteen in the several concessions of said township, is not continued in a straight and direct course, but diverges and jogs, and such divergences are of great inconvenience to the public, and to the maintenance and keeping in repair of said road; and whereas in the thirty-sixth year of Her Majesty's reign an Act was passed entitled "An Act to enable the Corporation of the Township of Romney to alter, widen, straighten and continue certain side roads in said township," whereby the said Corporation of the said Township of Romney was enabled and empowered to alter, widen, straighten, open up, lay out, make and continue the said side road between lots numbers eighteen and nineteen, and other side roads in said township; and whereas by an error and misdescription in the said recited Act, the said Corporation of the Township of Romney had no power to open up, lay out, alter, make, straighten and continue the said side road between lots numbers eighteen and nineteen in said township, as contemplated by the said recited Act; and whereas said petitioners have prayed for the necessary powers to enable them to alter, divert, open up, lay out, make, straighten and continue said side road between lots numbers eighteen and nineteen through lot number two hundred and three on the Talbot Road in said township to the water's edge of Lake Erie; and whereas it is expedient to grant the prayer of said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any law or statute to the contrary, the Corporation of the Township of Romney, in the County of Kent, shall, at any time within two years from the passing of this Act, have power to, and they may within that time by their by-law or by-laws in that behalf,—

1. Alter, straighten, widen, divert or stop up in their discretion the whole or any part or parts of said side road between lots numbers eighteen and nineteen in said several concessions of said township, the said side road, where and as so altered, straightened, widened or diverted, to be and remain of a width not less than the same was respectively laid out in the original survey thereof,—

2. Open up, lay out, make and continue from the road in rear of lot number two hundred and three on the Talbot Road in

Preamble.

By-laws may pass.

To alter side line between lots 18 and 19.

To make a new road.

said township, a new road in continuation of said side road between said lots numbers eighteen and nineteen, which said new road shall be of the same width as said side road, and shall be in continuation thereof from the rear of said lot number two hundred and three on the Talbot Road, along the east side of the said lot to the water's edge of Lake Erie,—

To enter on land for such purposes.

3. Enter upon, break up, take or use any land or premises in any way necessary or convenient for the purposes or the exercise of the powers aforesaid, or the altering, straightening, widening, diverting or making of any such road as aforesaid.

Compensation or injury to property.

2. The said corporation shall make to the owners of real property entered upon, taken or used, in the exercise of the powers by this Act conferred, due compensation for any damages (including costs of fences when required) necessarily resulting from the exercise of such powers, beyond any advantage which the claimants may derive from the exercise thereof; and any claim for such compensation, if not mutually agreed upon, shall be adjudicated upon, determined and enforced by arbitration, such arbitration and all matters, steps and proceedings connected therewith or relating thereto to be commenced, proceeded with, carried on and enforced in the same manner and with the same effect as if the same were an arbitration under and pursuant to the provisions of the Act intituled "An Act respecting Municipal Institutions in the Province of Ontario."

Arbitration.

Power to sell site of original road if diverted.

3. Where any portion or portions of the original road allowance for said side road shall, by reason of the exercise of any of the powers by this Act conferred upon said corporation, no longer continue to be or form a part of said side road, as the same shall be made, opened, widened, straightened or diverted under said powers, then and in such case the said corporation may pass by-laws for selling said portion or portions or any of them to the parties next adjoining whose lands the same is situated; and in case such parties respectively refuse to become the purchasers at such price as said corporation think reasonable, then for the sale thereof to any other person for the same, or a greater price.

Notice of by-laws and hearing of persons injured.

4. The said corporation shall not pass any such by-law until written or printed notices of the intended by-law have been posted up one month previously in six of the most public places in the immediate neighbourhood of the road to be affected by such by-law, or to which the same shall relate, and published weekly, for at least four successive weeks, in some newspaper (if any there be) published in said township; or if there be none such, then in a newspaper published in some neighbouring municipality, and in either case in the county town, if any such there be; nor until the council has heard in person or by counsel or attorney any one whose land might be prejudicially affected thereby, and who petitions to be so heard; and the clerk of said corporation shall give such notice, at the request of the applicant for the by-law upon payment of the reasonable expenses attendant on such notice.

By-laws to be registered.

5. Any such by-law, under the authority of which any such road or any part thereof shall be opened upon any private property, shall, before the same become effectual in law, be duly

registered in the Registry Office of the County of Kent; and for the purposes of registration, a duplicate original of such by-law shall be made out, certified under the hand of the clerk and the seal of the said corporation, and shall be registered  
5 without any further proof.

6. Sections three hundred and seventy-four, three hundred and seventy-five, and three hundred and seventy-six of the Act intituled "An Act respecting Municipal Institutions in the Province of Ontario," are hereby incorporated with and made,  
10 and shall be read as part of this Act.

7. This Act shall have, and be in full force and effect, notwithstanding the said Act intituled "An Act respecting Municipal Institutions in the Province of Ontario," and the amendments thereof, or anything therein contained.

36 Vic, cap. 48  
sec. 374, 375  
and 376 incorporated with  
this Act.

Municipal Act  
and amendments not to  
affect the force  
of this Act.



BILL.

An Act respecting the Township of Romney.

First Reading,	1878.
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(*PRIVATE BILL*)

Mr. COULTS.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act to authorize Henry Scarrow to add the name of Woodward to his present name.

**W**HEREAS Henry Scarrow, of the City of London, in the Province of Ontario, Accountant, hath, by his petition, set forth that, his father having died, his mother intermarried with one Woodward since deceased, and that the said Henry Scarrow, at the earnest solicitation of the said Woodward, promised, and it has become desirable and expedient for him to adopt the family name of his said step-father, that is to say Woodward, and hath prayed the passing of an Act for such purpose, which prayer it is expedient to grant :

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The said Henry Scarrow shall hereafter be called and known by the name of Henry Scarrow Woodward.

Name of Scarrow changed to Scarrow Woodward.

2. The said Henry Scarrow Woodward shall hereafter claim, obtain, exercise and enjoy all and every advantage, benefit, calling, profession, occupation, addition, title and degree which he exercises or enjoys, or has been or might be entitled to under the surname of Scarrow, and also shall recover, have, hold and possess, and be capable of inheriting all real and personal property and rights, interests, credits, moneys and securities of any nature or kind whatsoever which he at present has, holds or possesses or is capable of recovering, having, holding, possessing or inheriting, or might hereafter be capable of receiving, having, holding, possessing or inheriting by and under the surname of Scarrow, and also shall not hereafter, by reason of the change of name hereby made, be deprived of or disqualified from exercising or enjoying any addition, title, degree, qualification, advantage, benefit, possession, calling, appointment, honour, position or any interest or property of any nature or kind whatsoever which he now has, holds, possesses or enjoys or is or might hereafter be capable of recovering, having, holding, possessing, inheriting and enjoying if the said change of name had not been made by the adoption and addition of the said name of Woodward.

Rights not affected by such change of name.

3. If any suit, or legal, or equitable proceeding has been commenced by or against the said party whose name is changed by virtue of this Act, by his former name, such suit or proceeding shall not be abated nor any relief or recovery sought there- by be prevented by reason of any such change of name, but the same may be continued and carried on to judgment and execution and until satisfaction and discharge had as if this Act had not been passed.

No suits abated.

BILL.

An Act to authorize Henry Scarrow to add the name of Woodward to his present name.

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First Reading,	1878.
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(*PRIVATE BILL.*)

MT. HODGINS.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act respecting the Whitby, Port Perry and  
Lindsay Railway Company.

WHEREAS by an Act passed by the Parliament of Ontario Preamble.  
in the fortieth year of Her Majesty's reign, intituled, "An  
Act to amend the Acts relating to the Whitby and Port Perry  
Extension Railway Company," it was amongst other things en-  
acted that it should be lawful for the company to issue mort-  
gage bonds to any amount not exceeding, together with such  
of the mortgage bonds of the company then issued by the com-  
pany, ten thousand dollars for each mile of the company's line  
constructed at the time of the passing of said Act, or thereafter  
from time to time so constructed, which said bonds thereby  
authorized to be issued should be known as first preferential  
mortgage bonds, and it was by the said Act also enacted that  
it should be lawful for the company from time to time to issue  
other mortgage bonds, which should be called and on their  
face declared to be second preferential mortgage bonds, to any  
amount not exceeding five thousand dollars for each mile of  
the company's railway then or thereafter constructed; and  
whereas, in pursuance of the powers conferred on said com-  
pany by said Act, the said company has called in and cancelled  
all mortgage bonds of the company issued prior to the passing  
of said Act, and has issued first preferential mortgage bonds of  
the company in bonds of one hundred pounds sterling each,  
amounting in all to the sum of                      thousand  
                                 hundred pounds sterling, with interest bear-  
ing coupons at the rate of six per centum per annum sterling  
thereto attached, and has also issued second preferential mort-  
gage bonds of the company in bonds of one hundred pounds ster-  
ling each, and amounting to the sum of                      thou-  
sand                      hundred pounds sterling with the like  
interest bearing coupons thereto attached; and whereas the  
company's line of railway has been constructed in and from  
Port Whitby to and into the Town of Lindsay, being a dis-  
tance of about forty-six miles; and whereas it is deemed ex-  
pedient to prevent the company from hereafter issuing any  
additional mortgage bonds to rank or in any way interfere  
with those already issued as aforesaid in case the company  
should further extend its line and also to confirm the said  
issues; and whereas the said company has prayed for such  
amendments and others, and whereas it is expedient to grant  
the prayer of such petition :  
Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. That the said first preferential mortgage bonds of the  
company, amounting in all to the said principal sum of                      First preferen-  
tial bonds de-  
clared valid.  
                                 thousand                      hundred pounds .



sterling money of Great Britain, with interest bearing coupons at the rate aforesaid attached to each of said first preferential mortgage bonds be and the same are hereby declared to have been issued by the company in manner and with all the formalities required by said Act, and the same are hereby declared to be good and valid first preferential mortgage bonds of the company, and the only and total first preferential mortgage bonded debt of the company, and that the same, without registration or formal conveyance, shall be taken and be considered to be the first and preferential claim and charge upon the franchises, undertaking and property of the company, real and personal, existing at the time of the issue of the first preferential mortgage bonds or at any time thereafter acquired by the company, and each holder of any of said first preferential mortgage bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders of said first preferential mortgage bonds upon the said franchises, undertaking and property, and whether the company's line be extended or not the total principal moneys secured by all the first preferential mortgage bonds of the company at any one time outstanding shall never, under any circumstances, exceed the said sum of                      pounds sterling money of Great Britain or its equivalent in lawful money of Canada.

Second preferential bonds declared valid.

2. That the said second preferential mortgage bonds of the company, amounting in all to the said sum of                      pounds sterling money of Great Britain, with interest bearing coupons at the said rate attached to each of said secured preferential mortgage bonds, be and the same are hereby declared to have been issued by the company in manner and with all the formalities required by said Act, and the same are hereby declared to be good and valid second preferential mortgage bonds of the company, and said second preferential mortgage bonds shall, without registration or formal conveyance, be taken and considered to be a first claim and charge next after and subject to the said first preferential mortgage bonds on the franchises, undertaking and property, real and personal, existing at the time of the issue of the said second preferential mortgage bonds or at any time thereafter acquired by the company, and each holder of any of said second preferential mortgage bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders of said second preferential mortgage bonds upon the said franchises, undertaking and property, subject always to the said first preferential mortgage bonds, and whether the company's line be extended or not the total principal money secured by all the second preferential mortgage bonds of the company at any one time outstanding shall never, under any circumstances, exceed the said sum of                      pounds sterling money of Great Britain, or its equivalent of lawful money of Canada.

Directors have power to make contracts, appoint officers of the road, etc.

3. That the board of directors shall have full power by resolution, by-law or otherwise to enter into all contracts for appointing, engaging or hiring officers and servants for the company, including a managing director and solicitor, and to fix and pay out of the company's money such sums by way of salary or other remuneration to any officer, employee or servant at any time in the company's service as to the board may seem meet.



BILL.

An Act respecting the Whitty, Port Perry  
and Lindsay Railway Company.

First Reading,	1878.
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(*PRIVATE BILL.*)

Mr. PAXTON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Toronto and Ottawa Railway Company.

**W**HEREAS the Toronto and Ottawa Railway Company Preamble.  
have, by their petition, prayed for certain amendments to their Acts of incorporation, and for the legalizing of certain by-laws of municipalities granting aid by way of bonus to the  
5 said company; and whereas, it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 10 **1.** The power and authority conferred upon The Huron and Quebec Railway Company, now the Toronto and Ottawa Rail-  
way Company, by section three of the Act passed in the thirty-  
seventh year of the reign of Her Majesty Queen Victoria, and  
chaptered forty-seven, and sections one, two and three of the  
15 Act passed in the thirty-eighth year of the reign of Her Ma-  
Jesty Queen Victoria, and chaptered forty-nine, are hereby  
limited to the construction of a railway from the City of Toron-  
to to the City of Ottawa, by way of the Town of Peterborough,  
as well as within the limits of the said cities; and the said The  
20 Toronto and Ottawa Railway Company, shall be a body corpo-  
rate for the purpose of the construction and operating of the  
said line of railway, and to that end shall have all the powers,  
rights and privileges in any manner conferred upon the said  
Huron and Quebec Railway Company, or the Toronto and Ot-  
25 tawa Railway, by or under the following Acts, that is to say:  
The Act passed in the thirty-seventh year of Her Majesty's  
reign, chaptered forty-seven, the Act passed in the thirty-eighth  
year of Her Majesty reign, chaptered forty-nine, the Act passed  
in the thirty-ninth year of Her Majesty's reign, chaptered  
30 seventy-three, and the Act passed in the fortieth year of Her  
Majesty's reign, chaptered eighty; and the time for the com-  
mencement of the said railway is hereby extended to the first  
day of June, one thousand eight hundred and eighty, and for the  
completion thereof to the first day of December, one thousand  
35 eight hundred and eighty-four.

Powers conferred by 37 V.c. 47, s. 3 and 38 V. c. 49, s. 1, 2 and 3, limited to constructing a railway from Ottawa to Toronto.

Time to commence and complete

- 2** Public notice of the general annual meetings, and of the  
general meetings of the said company, shall be given at least  
two weeks previously in the *Ontario Gazette* and in one local  
newspaper published at Toronto, Ottawa and Peterborough res-  
40 pectively, and such notices shall be continued once in each  
week until after the day of meeting.

Public notice of annual meeting.



37 V. c. 47,  
sec. 17 amended.

3. Section seventeen of the said Act passed in the thirty-seventh year of Her Majesty's reign, chaptered forty-seven is hereby repealed, and the following substituted therefor:

"17. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock upon which such shareholder seeks to vote, shall have been paid up at least one week before the day appointed for such meeting." 10

Power of directors as to contracts.

4. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and to pay therefor, either in cash or bonds or in paid up stock or otherwise, as may be deemed expedient, notwithstanding that one or more of such contractors may be shareholders or directors in the company: Provided, that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same. 15 20

Proviso.

Certain by-laws granting aid declared valid.

5. The following by-laws of municipalities, granting aid by way of bonus to the said company, are hereby respectively declared legal, valid and binding, notwithstanding any defect of form or otherwise therein, or in the passage thereof, that is to say, a by-law of the Corporation of the County of Ontario, granting aid to the said company by way of bonus to the amount of ninety thousand dollars, and finally passed on the day of one thousand eight hundred and seventy-seven; a by-law of the Corporation of the Village of Port Perry, granting aid to the said company by way of bonus to the amount of five thousand dollars, and finally passed on the day of one thousand eight hundred and seventy-seven; a by-law of the Corporation of the Township of Cartwright, granting aid by way of bonus to the said company, to the amount of twenty-thousand dollars, and finally passed on the day of one thousand eight hundred and seventy-seven; a by-law of the Corporation of the Township of Manvers, granting aid to the said company to the amount of thirty thousand dollars, and finally passed on the day of one thousand eight hundred and seventy-seven; a by-law of the Corporation of the Town of Perth, granting aid by way of bonus to the said company to the amount of seventy-five thousand dollars, and finally passed on the day of one thousand eight hundred and seventy-seven; a by-law of the Corporation of the County of Lanark, granting aid by way of bonus to the amount of seventy-five thousand dollars and finally passed on the day of one thousand eight hundred and seventy-seven; a by-law of the Corporation of the Village of Lanark, granting aid by way of bonus to the said company to the amount of ten thousand dollars, and finally passed on the day of one thousand eight hundred and seventy-seven. 25 30 35 40 45 50 55

By-laws of Town and County of

6. The by-law of the Corporation of the Town of Peterborough granting aid by way of bonus to the said company to

the amount of one hundred and fifty thousand dollars and finally passed on the ninth day of November, one thousand eight hundred and seventy-five, and the by-law of the Corporation of the County of Peterborough, granting aid by way of  
5 bonus to the said company to the amount of one hundred and fifty thousand dollars, and finally passed on the eleventh day of November, one thousand eight hundred and seventy-five, are hereby respectively declared to be valid, effectual and subsisting, and binding on the said corporations respectively, notwithstanding that municipal aid to the amount of the sum of one  
10 million of dollars had not been granted to the said company by by-laws duly passed, and the debentures placed in the hands of the trustees appointed under the Acts of incorporation of the said companies by the thirty-first day of December, one  
15 thousand eight hundred and seventy-seven as required by the condition of the said by-laws respectively.

Peterborough  
granted and  
declared valid.

BILL.

An Act respecting the Toronto and Ottawa  
Railway Company.

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First Reading,	1878.
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(*PRIVATE BILL*)

Mr. SCOTT.

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TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Toronto and Ottawa Railway Company.

WHEREAS the Toronto and Ottawa Railway Company Preamble.

have, by their petition, prayed for certain amendments to their Acts of incorporation, and for the legalizing of certain by-laws of municipalities granting aid by way of bonus to the said company; and whereas, it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

- 10 **1.** The power and authority conferred upon The Huron and Quebec Railway Company, now the Toronto and Ottawa Railway Company, by section three of the Act passed in the thirty-seventh year of the reign of Her Majesty Queen Victoria, and chaptered forty-seven, and sections one, two and three of the  
 15 Act passed in the thirty-eighth year of the reign of Her Majesty Queen Victoria, and chaptered forty-nine, are hereby limited to the construction of a railway from the City of Toronto to the City of Ottawa, by way of the Town of Peterborough, as well as within the limits of the said cities; and the said The  
 20 Toronto and Ottawa Railway Company, shall be a body corporate for the purpose of the construction and operating of the said line of railway, and to that end shall have all the powers, rights and privileges in any manner conferred upon the said Huron and Quebec Railway Company, or the Toronto and Ot-  
 25 tawa Railway, by or under the following Acts, that is to say : The Act passed in the thirty-seventh year of Her Majesty's reign, chaptered forty-seven, the Act passed in the thirty-eighth year of Her Majesty's reign, chaptered forty-nine, the Act passed in the thirty-ninth year of Her Majesty's reign, chaptered  
 30 seventy-three, and the Act passed in the fortieth year of Her Majesty's reign, chaptered eighty; and the time for the commencement of the said railway is hereby extended to the first day of June, one thousand eight hundred and eighty, and for the completion thereof to the first day of December, one thousand  
 35 eight hundred and eighty-four.

Powers conferred by 37 V. c. 47, s. 3 and 38 V. c. 49, s. 1, 2 and 3, limited to constructing a railway from Ottawa to Toronto.

Time to commence and complete

- 2** Public notice of the general annual meetings, and of the general meetings of the said company, shall be given at least two weeks previously in the *Ontario Gazette* and in one local newspaper published at Toronto, Ottawa and Peterborough respectively, and such notices shall be continued once in each  
 40 week until after the day of meeting.

Public notice of annual meetings.



37 V. c. 47,  
sec. 17 amended.

3. Section seventeen of the said Act passed in the thirty-seventh year of Her Majesty's reign, chaptered forty-seven is hereby repealed, and the following substituted therefor:

"17. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, 5  
"be entitled to vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock upon which such shareholder seeks to vote, shall have been paid up at least one week before the day appointed for such meeting." 10

Power of directors as to contracts.

4. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and to pay therefor, either in cash or bonds or 15  
in paid up stock or otherwise, as may be deemed expedient, notwithstanding that one or more of such contractors may be shareholders or directors in the company: Provided, that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy 20  
at a meeting specially convened for considering the same.

Proviso.

Certain by-laws granting aid declared valid.

5. The following by-laws of municipalities, granting aid by way of bonus to the said company, are hereby respectively declared legal, valid and binding, notwithstanding any defect of form or otherwise therein, or in the passage thereof, that is to 25  
say, a by-law of the Corporation of the County of Ontario, granting aid to the said company by way of bonus to the amount of ninety thousand dollars, and finally passed on the first day of August, one thousand eight hundred and seventy-seven; a by-law of the Corporation of the Village of Port Perry, 30  
granting aid to the said company by way of bonus to the amount of five thousand dollars, and finally passed on the sixth day of August, one thousand eight hundred and seventy-seven; a by-law of the Corporation of the Township of Cartwright, granting aid by way of bonus to the said company, to the 35  
amount of twenty-thousand dollars, and which came into force on the thirty-first day of December, in the year of our Lord, one thousand eight hundred and seventy-eight; a by-law of the Corporation of the Township of Manvers, granting aid to the said company to the amount of thirty thousand dollars, 40  
and finally passed on the twenty-seventh day of August, one thousand eight hundred and seventy-seven; a by-law of the Corporation of the Town of Perth, granting aid by way of bonus to the said company to the amount of seventy-five thousand dollars, and finally passed on the thirtieth day of 45  
May, one thousand eight hundred and seventy-seven; a by-law of the Corporation of the County of Lanark, granting aid by way of bonus to the amount of seventy-five thousand dollars and finally passed on the fourteenth day of December, one 50  
thousand eight hundred and seventy-seven; a by-law of the Corporation of the Village of Lanark, granting aid by way of bonus to the said company to the amount of ten thousand dollars, and finally passed on the seventh day of July, one thousand eight hundred and seventy-seven.

By-law of Town of

6. The by-law of the Corporation of the Town of Peterborough granting aid by way of bonus to the said company to

the amount of one hundred and fifty thousand dollars and finally passed on the ninth day of November, one thousand eight hundred and seventy-five, is hereby declared to be valid, effectual and subsisting, and binding on the said corporation, notwithstanding that municipal aid to the amount of the sum of one million of dollars had not been granted to the said company by the thirty-first day of December, one thousand eight hundred and seventy-seven as required by the condition of the said by-law ; ~~and~~ provided nevertheless, that aid to the amount aforesaid shall have been so granted by the first day of July, one thousand eight hundred and seventy-nine, or within such further time as the council of such corporation may from time to time by by-law designate.

Peterborough  
declared valid.

7. The by-law of the Corporation of the County of Peterborough granting aid by way of bonus to the said company to the amount of one hundred and fifty thousand dollars and finally passed on the eleventh day of November, one thousand eight hundred and seventy-five, is hereby declared to be valid, effectual and subsisting, and binding on the said corporation, notwithstanding that municipal aid to the amount of the sum of one million dollars had not been granted to the said company by the thirty-first day of December, one thousand eight hundred and seventy-seven, as required by the condition of the said by-law ; provided nevertheless, that municipal aid by way of bonus to the amount aforesaid shall have been so granted to the said company by the first day of July, one thousand eight hundred and seventy-eight, or such further time as the council of such corporation may be by-law designate.

By-law of  
County of  
Peterborough  
declared valid.

8. That it may and shall be lawful for the Councils of the said Corporations of the Town and County of Peterborough or either of them by by-law to reduce the said amount of one million of dollars to such amount as may by such council be deemed expedient, such reduced amount to be applicable only to the by-law of the corporation whose council may so reduce the amount.

Power of the  
Councils of  
Town and  
County of  
Peterborough  
as to amount of  
municipal aid.

BILL.

An Act respecting the Toronto and Ottawa  
Railway Company.

*(Reprinted as amended.)*

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First Reading, 28th January, 1878.

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*(PRIVATE BILL.)*

Mr. SCOTT.

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TORONTO:

PRINTED BY HUNTER ROSE & Co.

An Act to incorporate the Great Western Railway  
Provident Society.

**W**HEREAS a large number of persons employed by the  
Great Western Railway Company have organized and  
conducted without any incorporation a voluntary society for  
affording to one another assistance in case of sickness or bodily  
injury, and for insuring to the widows and families of deceased  
members the payment of a certain sum of money ; and whereas  
e number of members of the said society now exceeds two  
thousand two hundred, and it has been found inconvenient to  
carry on the said society without an Act of Incorporation; and,  
10 whereas it is desirable that the members of the said society  
should be incorporated and that the operations thereof should  
be continued and carried on under a corporate name :

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
15 as follows :

1. There is hereby constituted a body corporate and politic  
under the name of "The Great Western Railway Provident  
Society," the members of which shall consist of all persons who  
at the time of the passing of this Act are, under the by-laws of  
the said unincorporated society members, whereof Frederick  
Broughton, Esquire, shall be the President ; Charles Stepp,  
Esquire, shall be Vice-President ; and Charles K. Damville, J.  
Hobson, H. Childs, W. S. Champ, N. J. Pamer, P. Temple, W.  
Burrup, A. Cameron, P. Murray, W. Camuff, J. S. Lang, D. Mc-  
25 Innes, T. Butters, I. Morgan, G. Calles, W. McIntyre, Chas. T.  
Bullen, M. D. C. M. shall be the committee of management ;  
Samuel Barker, Charles K. Damville and P. Temple shall be  
the trustees ; A E. Davies shall be the secretary, and W. S.  
Champ, the Treasurer thereof, all of whom shall remain in of-  
30 fice until the thirty-first day of December, A. D. 1878, unless  
sooner removed in the manner prescribed by the by-laws of the  
said society.

2. All the property, right, privileges and effects of the said  
unincorporated society are hereby vested in the said corporation  
35 hereby constituted, and the said corporation shall henceforth  
be subject to all the contracts, engagements, debts and liabilities  
of the said unincorporated society.

3. The by-laws, rules and regulations of the said unincorpor-  
ated society, in force at the time of the passing of this Act,  
40 shall continue in force, and shall apply to the said corporation,  
but, nevertheless, the same or any of them may be altered,  
varied or amended in the manner therein prescribed.



Payments on  
death of mem-  
ber.

4. When, on the death of any member of the said society, any sum of money shall become payable under the rules of the society the same shall be paid by the treasurer or other officers of the society to his widow, and, failing a widow, then to his children in equal shares or to such one or more child or children as such member shall, by his last will or by any written declaration signed by him in the presence of, at least, one subscribing witness, appoint to receive the same, and failing children then to such other person or persons and in such shares and proportions as such member shall, by his last will or by any written declaration signed and witnessed as aforesaid, appoint to receive the same; and such money shall be free from all claims by the personal representative or creditors of the deceased; and in case any sum be paid in good faith to the person who shall appear to the treasurer or other officer to be entitled to receive the same, no action shall be brought against such treasurer or other officer of the society against the said society in respect thereof, but nevertheless, if it should subsequently appear that such money has been paid to the wrong person, the person entitled thereto may recover the amount with interest from the person who may have wrongfully received it.

Not to hold  
lands beyond  
value of annual  
\$5,000.

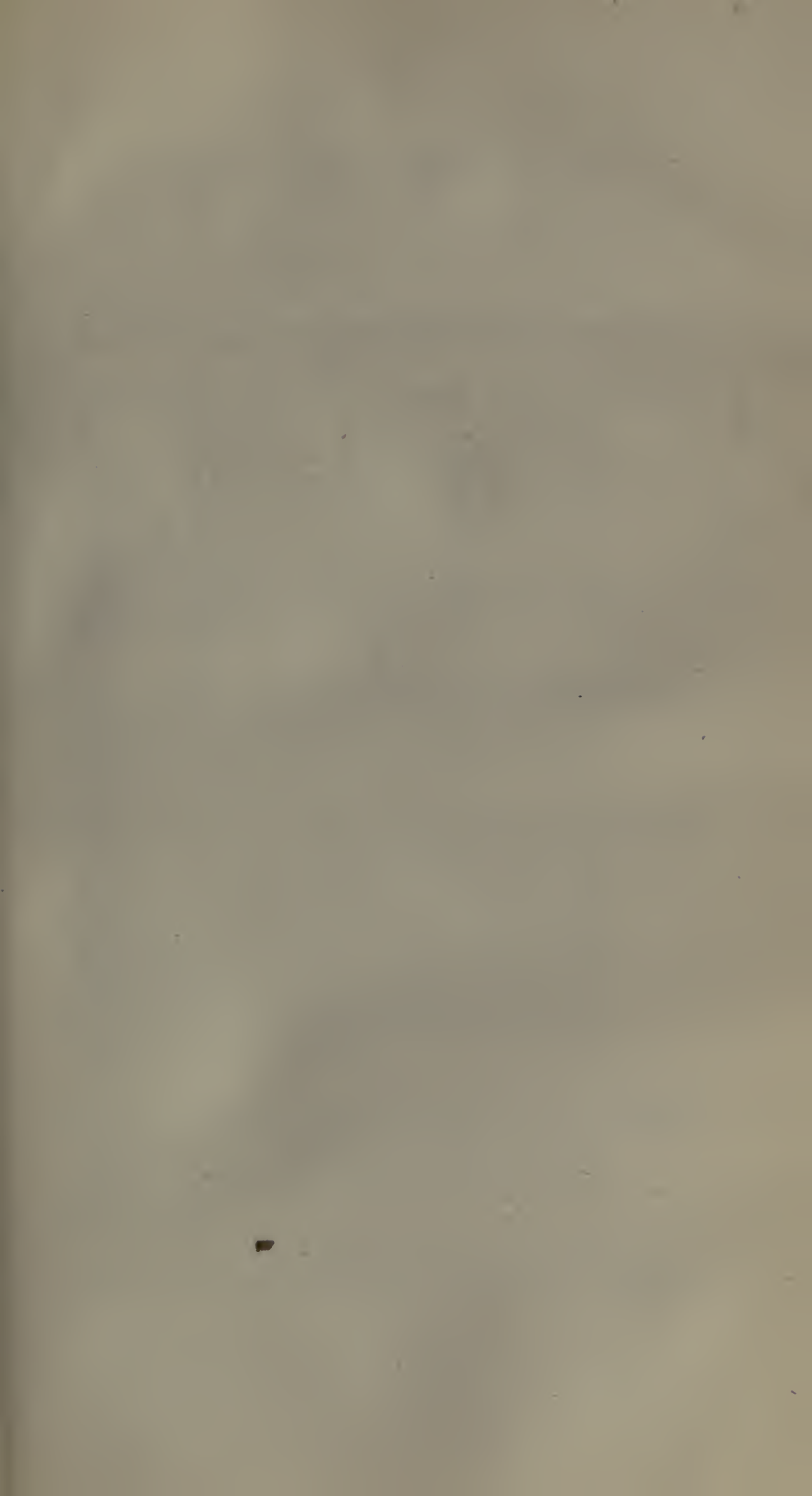
5. The said society shall not be entitled to acquire and hold as purchasers or otherwise any lands or tenements or any interests therein (except such lands as may be conveyed to them by way of mortgage) exceeding in the whole at any one time the annual value of five thousand dollars, nor shall the society be entitled to purchase land except for their actual use and occupation for the purposes of the society.

Investment of  
funds.

6. The said society may, from time to time, invest the funds in their hands in the public securities of the Dominion of Canada or any Province thereof or upon mortgages of freehold property situated within the Province of Ontario.

Gifts and de-  
vises may be  
taken to an-  
nual amount  
of \$500.

7. The said society may, from time to time, take by gift, devise or bequest, any land or tenements or any interest therein; provided such gift, devise or bequest be made at least six months before the death of the person making the same; but the society shall at no time take by gift, devise or bequest, lands or tenements or any interests therein the annual value of which, together with that of all other lands and tenements theretofore acquired by like means, and then held by the society, shall exceed in the whole one thousand dollars, nor shall the society at any time take by gift, devise or bequest, lands, tenements or hereditaments, the annual value of which and of all the other real estate of the society shall together exceed five thousand dollars.



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Third Session, Third Parliament, 41 Vic. 1878.

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BILL.

An Act to incorporate the Great Western  
Railway Provident Society.

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First Reading,	1878.
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(*PRIVATE BILL.*)

Mr. WILLIAMS.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Erie and Huron Railway Company.

**W**HEREAS the Erie and Huron Railway Company have petitioned that an Act may be passed to amend the Act of Incorporation of the said company, passed in the thirty-sixth year of Her Majesty's reign and chaptered seventy; and to amend the Act amending the said Act of Incorporation and extending the powers conferred upon the said company, passed in the thirty-eighth year of Her Majesty's reign and chaptered forty-six; and to extend the time for the completion of the said railway and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

**1.** The time for the completion of the said railway is hereby extended for the period of two years from the time of passing of this Act; and the time limited in the condition of any by-law granting aid to the said Erie and Huron Railway Company, shall be, and the same is hereby extended to the said period of two years from the passing of this Act.

Time for completion extended.

**2.** It shall and may be lawful for the said Erie and Huron Railway Company to commence the construction of the branch line of the said railway to the Village of Wallaceburgh, from any point on the main line between the Town of Chatham, and the Village of Dresden which the said company may deem most advisable; and the said railway company are hereby authorized to construct their line from the said point of commencement to the said Village of Wallaceburgh; and all the rights, privileges and powers conferred upon the said company by the said Act of Incorporation, and by the Act amending the same, as to the construction of the main line, and obtaining the right of way, or otherwise howsoever, shall apply to the said branch line from the said point of connection.

Branch line to Wallaceburgh.

**3.** Nothing contained in the fourth section of the said Act passed in the thirty-eighth year of Her Majesty's reign, chaptered forty-six, shall be read as making it compulsory upon the said railway company to run their line from Petrolia northwards to any point on the Grand Trunk Railway between Camlachie and Forrest stations on said railway, or to the said Forrest station.

Not compulsory to run line north from Petrolia.

**4.** The by-laws of the County of Kent referred to in section one of the said Act passed in the thirty-eighth year of

Certain by-laws and debentures declared valid.



Her Majesty's reign and chaptered forty-six, and all debentures issued, or to be issued in pursuance thereof, shall be and the same are hereby declared valid and binding upon the Corporation of the County of Kent, and all other persons whomsoever, notwithstanding anything contained in this or any other Act relating to the said railway company, or any other law or statute whatsoever, and notwithstanding any condition contained in the said by-law relating to the time for the completion of the said road or the point of commencement of the construction of the said branch line to Wallaceburgh. 10

By-law need  
not be voted  
upon.

5. It shall not be necessary to submit the by-law for the issue of such new debentures to be voted upon by the qualified electors of the said county, or any part thereof, entitled to vote on money by-laws, but the Municipal Council of the said County of Kent may pass such by-law without any vote of the electors thereon, any law or statute to the contrary notwithstanding. 15

Debentures  
valid.

6. The debentures to be issued under and in pursuance of the said by-law shall be valid and binding upon the said County of Kent to all intents and purposes whatsoever, and their validity shall not be questioned in any way whatsoever. 20

County of  
Kent may  
pass by-law  
for debentures  
to issue.

7. The Municipal Council of the County of Kent may pass a by-law providing for the issuing of debentures of the said county in the place and stead, and for the amount of the debentures of the said county which under the terms of the by-law numbered three hundred and nineteen of said county, would, if the same had been issued, become payable on the first day of January, in the years one thousand eight hundred and seventy-six, one thousand eight hundred and seventy-seven and one thousand eight hundred and seventy-eight, and also for the interest payable in the years one thousand eight hundred and seventy-five, one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven upon the whole amount of the debentures of the said county, the issue of which is provided for by the said by-law number three hundred and nineteen; such new debentures to bear interest at the rate of six per cent. per annum, payable half-yearly, and to have coupons for each instalment of interest payable on each debenture attached thereto; and the principal moneys of the said new debentures, shall be payable in equal amounts on the first day of January, in the years one thousand eight hundred and ninety-six, one thousand eight hundred and ninety seven and one thousand eight hundred and ninety-eight respectively, that is to say, one-third of the whole amount of the said debentures at each of the said periods. 45



Third Session, Third Parliament, 41 Vic. 1878.

BILL.

An Act respecting the Erie and Huron Railway Company.


First Reading,	1878.
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(*PRIVATE BILL.*)


Mr.

## An Act respecting the Erie and Huron Railway Company.

**W**HEREAS the Erie and Huron Railway Company have Preamble.  
petitioned that an Act may be passed to amend the  
Act of Incorporation of the said company, passed in the thirty-  
sixth year of Her Majesty's reign and chaptered seventy; and  
5 to amend the Act amending the said Act of Incorporation and  
extending the powers conferred upon the said company, passed  
in the thirty-eighth year of Her Majesty's reign and chaptered  
forty-six; and to extend the time for the completion of the  
said railway and for other purposes; and whereas it is exped-  
10 dient to grant the prayer of the said petition;  
Therefore Her Majesty by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario enacts  
as follows:—



**1.** The time for the completion of the said railway is Time for com-  
pletion of rail-  
way extended.  
15 hereby extended for the period of one year beyond the time  
limited for its completion by the Act passed in the thirty-  
eighth year of the reign of Her Majesty Queen Victoria, and  
chaptered forty-six. 

**2.** It shall and may be lawful for the said Erie and Huron Branch line to  
Wallaceburgh.  
20 Railway Company to commence the construction of the branch  
line of the said railway to the Village of Wallaceburgh, from  
any point on the main line between the Town of Chatham,  
and the Village of Dresden which the said company may deem  
most advisable; and the said railway company are hereby author-  
25 ized to construct their line from the said point of commencement  
to the said Village of Wallaceburgh; and all the rights, privileges  
and powers conferred upon the said company by the said Act  
of Incorporation, and by the Act amending the same, as to the  
construction of the main line, and obtaining the right of way,  
30 or otherwise howsoever, shall apply to the said branch line  
from the said point of connection.

**3.** In case the said Erie and Huron Railway Company Line north  
from Petrolia.  
shall, within the period limited for the completion of the said  
railway, amalgamate with, lease, or otherwise obtain, running  
35 powers over any line of railway then actually constructed, and  
to extend from Petrolia to the Grand Trunk Railway at any  
point between Sarnia and Forrest Stations on said Grand Trunk  
Railway or to the said Forrest Station, nothing contained in  
the fourth section of the said Act passed in the thirty-eighth  
40 year of Her Majesty's reign, chaptered forty-six, shall be read  
as making it compulsory upon the first mentioned company to  
extend their railway from Petrolia as provided by the said  
fourth section. 



County of  
Kent may  
pass by-law  
for debentures  
to issue.

 4. In case the suit now pending between the corporation of the Township of Harwich and others and the Erie and Huron Railway company and others shall be finally decided in favour of the Erie and Huron Railway and others, the Municipal Council of the County of Kent may pass a by-law providing for the issuing of debentures of the said county in the place and stead, and for the amount of the debentures of the said county which under the terms of the by-law numbered three hundred and nineteen of said county, would, if the same had been issued, become payable on the first day of January, in the years one thousand eight hundred and seventy-six, one thousand eight hundred and seventy-seven and one thousand eight hundred and seventy-eight, and also for the interest payable from the first day of July in the year one thousand eight hundred and seventy-seven upon the whole amount of the debentures of the said county, the issue of which is provided for by the said by-law number three hundred and nineteen; such new debentures to bear interest at the rate of six per cent. per annum, payable half-yearly, and to have coupons for each instalment of interest payable on each debenture attached thereto; and the principal moneys of the said new debentures, shall be payable in equal amounts on the first day of January, in the years one thousand eight hundred and ninety-six, one thousand eight hundred and ninety-seven and one thousand eight hundred and ninety-eight respectively, that is to say, one-third of the whole amount of the said debentures at each of the said periods. 



By-law need  
not be voted  
upon.

5. It shall not be necessary to submit the by-law for the issue of such new debentures to be voted upon by the qualified electors of the said county, or any part thereof, entitled to vote on money by-laws, but the Municipal Council of the said County of Kent may pass such by-law without any vote of the electors thereon, any law or statute to the contrary notwithstanding.

Debentures  
valid.

6. The debentures to be issued under and in pursuance of the by-law *by the fourth section of this Act authorized to be passed* shall be valid and binding upon the said County of Kent to all intents and purposes whatsoever, and their validity shall not be questioned in any way whatsoever.

This Act not  
to legalize by-  
laws or affect  
pending suits.

 7. Nothing in this Act contained shall be read or construed to legalize or to invalidate any by-law granting aid to the said railway; and nothing in this Act contained shall effect the rights of parties or in any way effect the litigation in any suit now pending in any court against the said company. 



BILL.

An Act respecting the Erie and Huron Railway Company.

*(Reprinted as Amended.)*

First Reading, 29th January, 1878.

*(PRIVATE BILL.)*

Mr. McCraney.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Estate of the late Nicholas Sparks.

**W**HEREAS Caroline Sweetland, of the City of Ottawa, in Preamble.  
the County of Carleton, in the Province of Ontario, wife  
of John Sweetland, of the said City of Ottawa, physician, relict  
and widow of Nicholas Sparks, in the Act thirty-sixth  
5 Victoria, chapter one hundred and fifty-seven, and hereinafter  
mentioned, and the mother of the children of the said Nicholes  
Sparks, also in said Act and hereinafter mentioned, hath pre-  
sented her petition, stating, amongst other things: That the  
said Nicholas Sparks, in his lifetime of the City of Ottawa  
10 aforesaid, Esquire, deceased, departed this life intestate on or  
about the twentieth day of April, in the year of Our Lord one  
thousand eight hundred and seventy-two, leaving him surviving  
three children—namely, Mary Sparks, Nicholas Charles Sparks,  
and Sarah Sparks, his heir and heiresses at law, who were and  
15 are infants under the age of twenty-one years, and also leaving  
him surviving his relict and widow, and mother of the above-  
named children, now the wife of the said John Sweetland; that  
one Charles Magee, of the said City of Ottawa, is the duly ap-  
pointed administrator of the estate of the said Nicholas Sparks,  
20 and the guardian of the said infant children; that, after the  
passing of the said Act, the said widow of the said Nicholas  
Sparks, deceased, has intermarried with the said John Sweet-  
land; that in and by the eleventh section of the said Act, chap-  
tered one hundred and fifty-seven of the Statutes of Ontario,  
25 passed in the said thirty-sixth year of Her said Majesty's reign,  
it is enacted that the care of the persons of the said children,  
and their education, should, after the passing of the said Act,  
be given to the said mother of the said children until they  
should respectively attain the age of twenty-one years or marry,  
30 whichever should first happen, unless the Court of Chancery  
for the said Province of Ontario, or any Judge thereof, should  
otherwise order, and that such sum and sums of money should  
from time to time be paid to her for their support, maintenance  
and education, during minority, or until they marry, as the  
35 Judge of the Surrogate Court of the County of Carleton should  
and might, from time to time, settle upon and order, and that  
the receipt of the said mother of the said children for the  
amount so ordered to be paid to her for such support, clothing,  
and maintenance and education of the said children should be  
40 a sufficient discharge to the said Charles Magee, and that he  
should take credit therefor in his accounts, and in the event of  
the said mother of the said children dying, leaving them or any  
of them under age, and unmarried, the care of the persons of  
such of the said children as should then be under age and un-  
45 married, and their education, should be given to the said  
Charles Magee, as their guardian; and praying, amongst other



things, that the said Act should be so amended as to enable her, the said Caroline Sweetland, mother of the said children as aforesaid, at any time, to appoint by will such person or persons as she shall think fit as guardian or guardians of the person or persons of the said children, or such of them as should at the death of the said Caroline Sweetland be under age and unmarried, and also the charge and care of the education of such children in the place and stead of the said Charles Magee; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

36 Vic. c. 157,  
amended.

1. The said Act, passed in the thirty-sixth year of Her Majesty's reign, chaptered one hundred and fifty-seven, is amended, by adding to the said eleventh section the words: "Provided always that Caroline Sweetland, the wife of John Sweetland, of the City of Ottawa, in the said Province of Ontario, relict and widow of the said Nicholas Sparks, and mother of the said children, shall have power at any time to appoint by will such person or persons as she shall think fit to be guardian or guardians of the person or persons of the said children as should, at the death of the said Caroline Sweetland, be under age and unmarried, and also the charge and care of the education of such children, in the place and stead of the said Charles Magee."

Provisions in  
case of death  
of C. Sweet-  
land.

3. In the event of the death of the said Caroline Sweetland, before the said children, or any or either of them, shall become of age, or be married as aforesaid, and provided that the said Caroline Sweetland shall have appointed by will as aforesaid such person or persons as she shall have thought fit to be the guardian or guardians of the person or persons of such children as shall be then under age and unmarried, and of the care and charge of the education of such child or children, then any sum or sums of money which shall, under the said Act, be due and payable at the time of the death of the said Caroline Sweetland, and which shall thereafter become due and payable under the said Act for their support, maintenance and education during minority, or until they, or some or one of them, shall marry, as provided for in the said Act, shall be paid to the said person or persons so appointed by will by the said Caroline Sweetland, and be so paid, according to the terms of the said order, by the said Charles Magee, or by such other person or persons who may then, and from time to time, be trustee or trustees under the said Act of the said estate of the said Nicholas Sparks, deceased; and the receipt of such person or persons so to be appointed as aforesaid, by will of the said Caroline Sweetland, if any such are appointed, for the amount so ordered to be paid, for such support, clothing, and maintenance and education of the said children, shall be a sufficient discharge to the said Charles Magee, or to such other person or persons who may then and from time to time be trustee or trustees under the said Act of the said estate of the said Nicholas Sparks, deceased.



Third Session, Third Parliament, 41 Vic. 1878.

BILL.

An Act respecting the Estate of the late  
Nicholas Sparks.

First Reading,	1878.
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(*PRIVATE BILL.*)

MR. O'DONOGHUE.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act relating to the Midland Railway Company of  
Canada.

WHEREAS there are now outstanding first and second mortgage bonds of the Midland Railway Company of Canada; and whereas, the said Midland Railway Company of Canada is also indebted to numerous persons other than bondholders; and whereas also by their petition, the said company have prayed for an Act, enabling them to redeem and cancel the said first and second mortgage bonds, and enabling them to issue new consolidated bonds, and also to liquidate their debts by giving their creditors bonds in satisfaction of their claims; and whereas the said company have also petitioned for power to change the place of their head office, and for powers to municipalities to aid and assist the said company; and whereas it is expedient that with the consent of the said bondholders and creditors, or a majority of them, the said company should have such powers; and whereas it is expedient to grant the prayer of the said petitions:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The company may, with the consent of a majority of two-thirds in value of the shareholders thereof at a meeting specially called for that purpose make and issue new consolidated bonds for an amount not exceeding five hundred and twenty-five thousand pounds sterling, and may make such new bonds payable in London, England, or elsewhere, as the company may think expedient; the principal of such bonds to be payable at such time as the company may think expedient, not exceeding thirty years from the date of the issue of said bonds, and the said bonds to bear interest at such rate or rates as the company may determine, not exceeding five per centum per annum, payable half yearly; and such new bonds shall, without registration or formal conveyance, but subject to the rights of municipalities in respect of any liens for advances made by them before the passing of this Act, be taken and considered to be the first preferential claims and charges upon the undertaking and the property of the company, real and personal, and then existing, and at any time thereafter acquired, and all extensions made or to be made thereof; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the aforesaid undertaking and property of the company and all extensions thereof, as aforesaid, in priority to all other charges and incumbrances, save as are hereinbefore excepted: provided that the powers hereinbefore conferred to issue the said bonds are not to be exercised until two-thirds in value of

Preamble.

Power to issue bonds not exceeding £525,000 sterling.

Proviso.



the existing bondholders have agreed to accept the new bonds in exchange and substitution for the bonds now held by them as hereinafter provided.

Out-standing bonds may be called in provided two-thirds of holders agree.

2. Provided two-thirds in value of the holders of the existing outstanding bonds, at a meeting specially called for that purpose, may have prior to the passing of this Act agreed, or may hereafter agree hereto, the said company shall call in and cancel all their outstanding bonds heretofore issued, and shall issue to each person holding any of the first mortgage bonds now outstanding, for every one hundred pounds sterling of such bonds now held by them, one hundred and twenty pounds sterling of bonds issued under this Act, or such other amount as may be agreed to by two-thirds in value of the said bondholders, and for any sum, under or over the sum of one hundred pounds sterling, in like proportion: the said company may agree with the holders of the first mortgage bonds in consideration for their agreeing to accept the new bonds issued under this Act, to deliver to each holder of first mortgage bonds now existing, for every pound sterling of such bonds held by them, the sum of pounds sterling, in paid-up stock of the said company, in addition to the said new bonds, or such other amount as may be agreed to by two-thirds in value of the said bondholders; and shall, if such agreement is made with the said first mortgage bondholders, transfer to such bondholders the said paid-up shares in the said company; and thereafter the said bondholders shall, in respect of such shares, have all the rights and privileges of paid up shareholders of the said company to the extent of the shares held by them; and the said company shall issue to each holder of second mortgage bonds, now outstanding or existing, for every one hundred pounds sterling held by them in such existing second mortgage bonds, the sum of thirty pounds sterling of the said bonds issued under this Act, or such other amount as two-thirds in value of the said bondholders may agree to, and for any sum less or over, the said sum of one hundred pounds sterling of such second mortgage bonds held by them in like proportion.

Old bonds to be cancelled on issue of the new bonds.

3. On the issue by the said company of the said bonds under this Act all bonds heretofore issued by the said company, and outstanding, shall be called in and cancelled by the said company, and the said bonds, so called in, shall no longer form any lien or charge on the said railway, or be of any force or effect, and in the event of any of the said existing bondholders failing to deliver up the existing bonds held by them, or to apply for new bonds to be issued as aforesaid the said company shall reserve a sufficient amount of bonds, issued under this Act, to meet the said existing bonds not delivered up to be cancelled.

Former powers to issue bonds cancelled.

4. On the issue of the said bonds, as provided by this Act, all powers heretofore existing to issue bonds under any Act in force, other than this, shall terminate and cease.

Bonds to be under seal and signed by chairman and secretary.

5. The bonds which may be issued under this Act shall be under the common seal of the company, and shall be signed by the president or vice-president of the company, and countersigned by the secretary: they may be issued as payable to bearer, either in sterling or in the currency of Canada, at such

place or places in Canada or Great Britain as may be deemed advisable: they shall be transferable by delivery, and the holder of any bond made payable to bearer may sue in his own name.

5 **6.** The holders of the bonds issued, as hereinbefore pro- Payment of  
arrears of  
interest.  
vided, may from time to time without prejudice to any other  
right or remedy, enforce payment of any arrears of interest by  
the appointment of a receiver; and the Court of Chancery  
may, upon the application of the holders of said bonds for an  
10 amount not less than twenty-five thousand pounds sterling  
upon which any payment of principal or interest shall be in  
arrears, appoint a receiver accordingly.

**7.** The said company may, upon the consent of two-thirds Issue of bonds  
to unsecured  
creditors.  
in value of the unsecured creditors of the company other than  
15 bondholders being first obtained agree to deliver to each un-  
secured creditor of the said company bonds, issued under this  
Act, to each creditor of one hundred pounds sterling not more  
than twenty pounds sterling of such bonds, or such less  
amount as may be consented to by two-thirds of the unsecured  
20 creditors, as aforesaid, and for any sum over or under the said  
sum of one hundred pounds sterling, in like proportion, in full  
discharge of their claims against the company, on such con-  
sent being obtained and agreement by said company: all the  
creditors of the said company, having claims at the time of  
25 such agreement, shall accept the said bonds in full satisfaction  
of their claims, provided that any creditor holding any security  
for the amount of his said debt against any person, other than  
the company, may enforce such security for obtaining such  
payment, and their rights as such creditors, upon the delivery  
30 to them of the said bonds, or, if they refuse to accept the said  
bonds, on the said bonds being reserved for them by the  
said company, shall cease, and no further claim shall be made  
against the said company in respect of their said claims, ex-  
cept under the said bonds given to them as aforesaid.

35 **8.** The said company may sell the balance of the said bonds Sale of balance  
of bonds.  
to be issued hereunder, and may apply or use the proceeds of  
such sale for the benefit of the said company, as they may see  
fit.

**9.** And whereas it is deemed expedient that the shares in Bonds and  
shares to be in  
sterling.  
40 the capital stock of the said company should hereafter be in  
sterling money of Great Britain, it shall be lawful for  
the said company, upon the consent being first obtained  
of two-thirds in value of the shareholders of the said  
company, to substitute and exchange for the present out-  
45 standing shares in the said capital stock, shares in sterling  
money of Great Britain, that is to say, for every one and a  
quarter share of fifty dollars, now existing, a share of ten  
pounds sterling in the said stock; and, hereafter, each share of  
the capita stock in the said company shall be ten pounds sterling  
50 instead of forty dollars, as heretofore, and the said company shall  
do all things necessary to effectuate the said exchange; provided,  
nevertheless, that the rights and liabilities of the said stock-  
holders of the said company shall in no way be affected by the  
said substitution of sterling shares of ten pounds for each one and  
55 a quarter share, and the said stockholders shall, in all respects,

be in the same position and have the same rights, and be subject to the same liabilities, as if the shares in the said capital stock had been originally shares of ten pounds sterling instead of shares of forty dollars; and provided also, that the rights of the said company to increase their capital stock, from 5 time to time, as provided by section eighty-one of chapter sixty-six of the Consolidated Statutes of Canada, and the other Acts in force, relating thereto shall in no way be impaired or interfered with; provided also, that the said company may issue paid-up stock to an amount sufficient to deliver to each 10 holder of first mortgage bonds, now existing, the stock hereinbefore authorized to be given to them.

Municipalities  
may grant and  
aid by way of  
bonus.

**10.** It shall be lawful for any municipality or municipalities, or any county municipality, or any portion of any municipality or municipalities, or county municipality, which may be 15 interested in the successful working of the said railway, or through any part of which, or near which the said railway, or works of the company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means to the company, or issuing municipal 20 debentures or bonds to or in aid of the company; and, otherwise, in such manner and to such extent as such municipality or any of them shall think expedient: and, in case of a portion of a township municipality, that the debentures to be issued shall be those of such township municipality: and, in case of 25 portions of a county municipality, as aforesaid, that such debentures shall be those of the county municipality, and that the proper council may, of their own motion and without any previous petition therefor, submit the requisite by-law in that behalf for the approval of the qualified voters of the municipi- 30 pality, or portion of the municipality to be affected thereby: provided always that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose, and the adopting of such by-laws by the rate-payers as provided in the Municipal Acts for the creation of debts. 35

Proviso.

By-law for  
bonus on pe-  
tition of 50  
freeholders.

**11.** In case of fifty resident freeholders of any municipality, who are assessed on the last revised assessment roll for such municipality, for an amount sufficient to qualify them as voters, under the municipal Acts, do petition the council of such municipality, and in such petition expressing the desire of the 40 said petitioners to aid and assist the said company in the successful working of the said railway, by giving a bonus to the said company, and stating the amount which they so desire to grant, and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a 45 by-law, and submit the same to the vote of the qualified voters: and, in case aid is desired from any portion of a township municipality, if at least fifty resident freeholders, assessed as aforesaid, in any portion of the said municipality, do petition the council of such municipality to pass a by-law in said 50 petition, defining the metes and bounds of the portion of the municipality from which such aid is proposed to be given, and within which the property of the petitioners is situated, and expressing the desire of the petitioners to aid in the successful working of the said railway, by granting a bonus to the said 55 company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce the required



by-law, and submit the same to the approval of the qualified voters of the said portion of such municipality: And, in case aid is desired from any county municipality upon the petition of at least fifty resident freeholders, assessed as aforesaid, in each  
 5 such county municipality: and, in case aid is desired from any portion of a county municipality, upon the petition of at least twenty resident freeholders, assessed as aforesaid, from each minor municipality, or the portion thereof to be affected by the by-law, as the case may be, or upon the petition of the majority of the  
 10 reeves and deputy-reeves of such county municipality, as reside in the said portion from which aid is desired; and, in the case of a portion of a county do, in such petition, define the municipality or municipalities within such county municipality, and the metes and bounds of the portion or portions of the municipalities, forming the portion of the county municipality, that  
 15 may be asked to grant aid in either case on such petition, expressing the desire of the said petitioners to aid in the successful working of the said railway; by granting a bonus to the said company, and stating the amount which they so desire to grant  
 20 and be assessed for, the council of such county municipality shall, within six weeks after the receipt of such petition, introduce the required by-law, and submit the same to the vote of the qualified voters of the county, or of the portion of the county, defined in the said petition, as the case may be, in the  
 25 same manner and to the same effect as if they had introduced the same of their own motion; and upon such petition being presented to the warden or other head of any county municipality, or the reeve, mayor, or other head of any other municipality, he shall forthwith call a meeting of the council of such municipality, to be held within two weeks thereafter, for the  
 30 purpose of introducing such by-law, and submitting the same to the vote of the qualified voters.

12. In the case of a township municipality not divided into wards or electoral divisions, the municipal council shall, in any by-law to be submitted, as aforesaid, appoint polling places  
 35 for taking the votes of the electors on any such by-law, at the same places where the votes were taken of the then last election for the Legislative Assembly in such township: and, in the case of a portion of a county or other municipality, the council shall, in any such by-law submitted, as aforesaid, appoint a  
 40 polling place for every two hundred of the qualified voters of such portion of a county or other municipality to be affected by any such by-laws: and the proper council shall appoint a returning officer for each polling place appointed, as aforesaid.

Polling places in municipalities not divided into wards.

13. The ratepayers, entitled to vote on any such by-law, shall be such of the freeholders legal or equitable as are rated  
 45 on the last assessment rolls for an amount sufficient to entitle them to vote at any municipal election, and such of the ratepayers as are rated on the assessment rolls for an estate, if leasehold, the duration of which shall not be less than the period  
 50 of time in which the debt to be contracted or the money to be raised under such by-law, is made payable, and in the lease for which leasehold the lessee covenants to pay municipal taxes.

Qualification of voters.

14. The head office of the said company shall be at the City  
 55 of London, in the United Kingdom of Great Britain and Ireland, and the property, affairs and concerns of the said company shall be managed and conducted at the said City of London.

Head office.



BILL,

An Act relating to the Midland Railway  
Company of Canada.

First Reading,	1878.
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(*PRIVATE BILL.*)

Mr. ROSEVEAR,

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

## An Act relating to the Midland Railway of Canada.

WHEREAS there are now outstanding first and second mortgage bonds of the Midland Railway of Canada; and whereas, the said Midland Railway of Canada is also indebted to numerous persons other than bondholders; and  
5 whereas also by their petition, the said company have prayed for an Act, enabling them to redeem and cancel the said first and second mortgage bonds, and enabling them to issue new consolidated bonds, and also to liquidate their debts; and whereas the said company have also petitioned for  
10 power to change the place of their head office, and for powers to municipalities to aid and assist the said company; and whereas it is expedient that with the consent of the said bondholders or a majority of them, the said company should have such powers; and whereas it is expedient to grant the  
15 prayer of the said petition:

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The company may, with the consent of a majority of two-thirds in value of the shareholders thereof at a meeting specially called for that purpose make and issue new consolidated bonds for an amount not exceeding five hundred and twenty-five thousand pounds sterling, and may make such new bonds payable in London, England, or elsewhere, as the  
20 company may think expedient; the principal of such bonds to be payable at such time as the company may think expedient, not exceeding thirty years from the date of the issue of said bonds, and the said bonds to bear interest at such rate or rates as the company may determine, not exceeding five per centum  
25 per annum, payable half yearly; and such new bonds shall, without registration or formal conveyance, but subject to the rights of municipalities in respect of any liens held by them before the passing of this Act, be taken and considered to be *subject to the provisions of section ten of this Act*, the first  
30 preferential claims and charges upon the undertaking and the property of the company, real and personal, and then existing, and at any time thereafter acquired, and all extensions made or to be made thereof and the franchises of the said Company, and each holder of the said bonds shall  
35 be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the aforesaid undertaking and property of the company and all extensions thereof as aforesaid, and the franchise of the said company as aforesaid, in priority to all other charges and incumbrances,  
40 save as are hereinbefore excepted; Provided that the powers

Power to issue bonds not exceeding £525,000 sterling.

Proviso.

hereinbefore conferred to issue the said bonds are not to be exercised until two-thirds in value of the existing bondholders have agreed to accept the new bonds in exchange and substitution for the bonds now held by them as hereinafter provided ; And provided always, that nothing in this Act shall prejudice the rights of existing creditors of the Company. 5

Outstanding bonds may be called in provided two-thirds of holders agree.

2. Provided two-thirds in value of the holders of the existing *first* outstanding bonds, and of two-thirds in value of the *outstanding second mortgage bonds*, and two-thirds in value of the *shareholders*, at a meeting or meetings specially called for that purpose, may have prior to the passing of this Act agreed, or may hereafter agree hereto, the said company shall call in and cancel all their outstanding bonds heretofore issued, and shall issue to each person holding any of the first mortgage bonds now outstanding, for every one hundred pounds sterling of such bonds now held by them, one hundred and twenty pounds sterling of bonds issued under this Act, or such other amount as may be agreed to by two-thirds in value of the said bondholders, and for any sum, under or over the sum of one hundred pounds sterling, in like proportion : the said company may agree with the holders of the first mortgage bonds in consideration for their agreeing to accept the new bonds issued under this Act, to deliver to each holder of first mortgage bonds now existing, for every pound sterling of such bonds held by them, such amount in paid-up stock of the said Company, in addition to the said new bonds, as may be agreed to by two-thirds in value of the said bondholders ; Provided, however, that the said paid-up stock shall not be increased beyond the sum of four hundred thousand pounds sterling, and shall, if such agreement is made with the said first mortgage bondholders, transfer to such bondholders the said paid-up shares in the said company ; and thereafter the said bondholders shall, in respect of such shares, have all the rights and privileges of paid-up shareholders of the said company to the extent of the shares held by them ; and the said company shall issue to each holder of second mortgage bonds, now outstanding or existing, for every one hundred pounds sterling held by them in such existing second mortgage bonds, the sum of thirty pounds sterling of the said bonds issued under this Act, or such other amount as two-thirds in value of the said *second* bondholders may agree to, and for any sum less or over, the said sum of one hundred pounds sterling of such second mortgage bonds held by them in like proportion. 10 15 20 25 30 35 40

Old bonds to be cancelled on issue of the new bonds.

3. On the issue by the said company of the said bonds under this Act all bonds heretofore issued by the said company, and outstanding, shall be called in and cancelled by the said company, and the said bonds, so called in, shall no longer form any lien or charge on the said railway, or be of any force or effect, and in the event of any of the said existing bondholders failing to deliver up the existing bonds held by them, or to apply for new bonds to be issued as aforesaid the said company shall reserve a sufficient amount of bonds, issued under this Act, to meet the said existing bonds not delivered up to be cancelled. 50 55

Power to issue £100,000 *first* Preference Bonds.

4. The said company may with the consent of a majority of two-thirds in value of the said bondholders of the said Company and two-thirds in value of the holders of the said bonds to be 60



issued under the preceding provisions of this Act, at a meeting specially called for that purpose, make and issue new preference bonds for an amount not exceeding one hundred thousand pounds sterling, and may make such new bonds payable in London, England, or elsewhere as the Company may think expedient, the principal of such bonds to be payable at such time as the Company may think expedient, not exceeding thirty years from the date of the issue of such bonds, and the said bonds to bear interest at such rate or rates as the Company may determine, not exceeding five per centum per annum, payable half-yearly: and such new bonds shall, without registration or formal conveyance, but subject to the rights of municipalities in respect of any liens *held* by them before the passing of this Act, be taken and considered to be (*subject to the provisions of section ten of this Act*), the first preferential claims and charges upon the undertaking and the property of the Company real and personal, and then existing, and at any time thereafter acquired, and all extension made or to be made thereof, and the franchises of the said company, and each holder of the said preference bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the aforesaid undertaking and property of the Company and all extensions thereof, and the franchises of the said Company as aforesaid, in priority to all other charges and incumbrances including the bonds issued under the preceding sections of this Act, but subject to the rights of municipalities in respect of any liens as aforesaid; Provided, however, that no preference bonds shall be issued under this section until claims of such creditors of the said Company as have *bona fide* claims against the said Company at the present time shall have been satisfied or the said creditors arranged with.

5. On the issue of the said bonds, as provided by this Act, all powers heretofore existing to issue bonds under any Act in force, other than this, shall terminate and cease.

Former powers to issue bonds cancelled.

6. The bonds which may be issued under this Act shall be under the common seal of the company, and shall be signed by the president or vice-president of the company, and countersigned by the secretary: *and* may be issued as payable to bearer, either in sterling or in the currency of Canada, at such place or places in Canada or Great Britain as may be deemed advisable; *and* shall be transferable by delivery, and the holder of any bond made payable to bearer may sue *thereon* in his own name.

Bonds to be under seal and signed by chairman and secretary.

7. The holders of the said bonds both preference and otherwise to be issued under this Act, when issued, shall have the same right of voting at all meetings of the said company, either in person or by proxy, and the same number of votes as would be conferred by holding stock or shares in the company of equal nominal amount, and all rules as to the requisite proportion of votes of shareholders at any such meeting shall be interpreted as applying to the total number of votes given thereat by proprietors of stocks or shares and of bonds; and the directors of the said company shall open at their head office in London, England, and at their office in Port Hope, registers of the holders of all bonds issued under this Act, and such registers shall contain the numbers of the said bonds and the amounts

Bondholders may vote.



thereof and the dates of registry and all transfers of the said bonds; and no vote shall at any meeting be received in person or by proxy in respect of any bond, unless such bond shall have been registered at least one month prior to such meeting at their said office in London, or at Port Hope, in the name of the person or persons by whom or by proxy for whom such vote shall be tendered; and for carrying this enactment into effect, bonds shall be registered on the request of the bearer thereof, at the said office in London or Port Hope, in the name of the bearer, or in the name or names endorsed thereon by the bearer, and a certificate thereof shall be delivered to the bearer on request which shall be evidence of such registration, but no such registration or registrations shall in any way affect the right to receive any principal money or interest secured by such bond.

Payment of  
arrears of  
interest.

8. The holders of the bonds issued, as hereinbefore provided, may from time to time without prejudice to any other right or remedy, enforce payment of any arrears of interest by the appointment of a receiver; and the Court of Chancery may, upon the application of the holders of said bonds for an amount not less than twenty-five thousand pounds sterling upon which any payment of principal or interest shall be in arrears, appoint a receiver accordingly.

Sale of balance  
of bonds.

9. The said company may sell at such rates as they may see fit the said bonds to be issued hereunder, and not exchanged for existing bonds and may apply or use the proceeds of such sale for the benefit of the said company, as they may see fit.

Application of  
earnings.

10. In the event of the issue of the bonds under this Act, the earnings of the company subject to the rights of the municipalities as hereinbefore preserved and after payment of any balance now due for traffic received by the Midland Railway, and any debts now due in respect of any such balance and after deduction of working expenses as hereafter defined, shall in each half year ending the first day of May, and first day of November, commencing with the half year ending the first day of November, one thousand eight hundred and seventy-eight be appropriated and applied in the order and manner following:

1. In payment ratably and *pari passu* of the interest for the time being on the said preference bonds.

2. In payment ratably and *pari passu* of the interest for the time being on the said other bonds.

3. In payment of a dividend on the stock of the company.

Definition of  
"working ex-  
penses."

11. The expression "working expenses" when used in this Act shall mean and include all expenses of maintenance and renewal of the railway, and of the stations, buildings, works and conveniences belonging thereto, and of the rolling and other stock and movable plant used in the working thereof, and also all such rents or annual sums as may be paid in respect of any railways or warehouses, wharves, or other property, leased to or held by the company, or in respect of the hire of engines, carriages, or waggons let to the company, rent, charges or principal and interest on lands belonging to the company, purchased but not paid for, or not fully paid for, and also all expenses of and incident to working the railway and the traffic thereon,

stores and consumable articles ; also rates, taxes, insurance and compensation for accidents or losses ; also all salaries and wages of persons employed in and about the working of the railway and traffic thereof, and all secretarial and establishment expenses including agency, legal and other like expenses, and generally all such charges, if any, not above otherwise specified (and no other) as in the case of English Railway Companies, are usually carried to the debit of revenue as distinguished from capital account.

10 **12.** And whereas it is deemed expedient that the shares in the capital stock of the said company should hereafter be in sterling money of Great Britain, it shall be lawful for the said company, upon the consent being first obtained of two-thirds in value of the shareholders of the said  
15 company, to substitute and exchange for the present outstanding shares in the said capital stock, shares in sterling money of Great Britain, that is to say, for every one and a quarter share of fifty dollars, now existing, a share of ten pounds sterling in the said stock ; and, hereafter, each share of  
20 the capital stock in the said company shall be ten pounds sterling instead of forty dollars, as heretofore, and the said company shall do all things necessary to effectuate the said exchange ; provided, nevertheless, that the rights and liabilities of the said stockholders of the said company shall in no way be affected by the  
25 said substitution of sterling shares of ten pounds for each one and a quarter share, and the said stockholders shall, in all respects, be in the same position and have the same rights, and be subject to the same liabilities, as if the shares in the said capital stock had been originally shares of ten pounds sterling instead  
30 of shares of forty dollars ; and provided also, that the rights of the said company to increase their capital stock, from time to time, as provided by section eighty-one of chapter sixty-six of the Consolidated Statutes of Canada, and the other Acts in force, relating thereto shall in no way be impaired or  
35 interfered with ; provided also, that the said company may issue paid-up stock to an amount sufficient to deliver to each holder of first mortgage bonds, now existing, the stock hereinbefore authorized to be given to them.

Bonds and shares to be in sterling.

**13.** And it shall further be lawful for any municipality or  
40 any portion of any township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the said railway, or works of the company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of  
45 bonus or other means to the Company, or issuing municipal bonds to or in aid of the company ; and, otherwise, in such manner and to such extent as such municipality shall think expedient : Provided always, that when said bonds or debentures are granted by a portion of a township municipality, the bonds or  
50 debentures so granted shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws by the rate-payers as provided in the Municipal Acts for the creation of debts.

Aid by municipalities.

55 **14.** In the case of a county municipality, the petition shall be that a majority of the reeves and deputy-reeves, or of twenty

Petitions for aid to county municipalities.

resident freeholders in each of the minor municipalities of the county, who are qualified voters under the municipal Act.

Petitions for aid other than to county municipalities.

**15.** In case fifty persons at least, rated on the last revised assessment roll of any municipality, other than a county municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition express the desire of the said petitioners to aid in the construction of the said railway, by giving a bonus to the said Company, and stating the amount which they so desire to grant, and to be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law, and submit the same to the vote of the qualified voters; and, in case aid is desired from any portion of a township municipality, if at least fifty of the persons, who are qualified voters as aforesaid, in any portion of the said township municipality, do petition the council of such municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the petitioners to aid in the construction of the said railway, by granting a bonus to the said Company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce the required by-law and submit the same to the approval of the qualified voters of the said portion of such township municipality;

(1.) For raising the amount so petitioned for by such freeholders for such portion of the municipality, by the issue of the debentures of the municipality, payable in twenty years, or by annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of said bonus, at the times and on the terms specified in the said petition;

(2.) For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate, as near as may be sufficient to include a sinking fund for the repayment of the debentures with interest thereon, or for the payment of the said yearly instalments and interest, said interest to be payable yearly or half-yearly.

Passing by-laws for aid by councils.

**16.** And in case such by-law be approved or carried by the majority of the votes given thereon, then, within one month after the date of such voting, the said council shall read the said by-law a third time, and pass the same.

Issue of the debentures.

**17.** And within one month after the passing of such by-law, the said council and the warden, mayor, reeve or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

Levying rate where bonus granted by a portion of the municipality.

**18.** In case any bonus be so granted by a portion of a municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion, only of the municipality.

Application of the provisions of the Municipal Act.

**19.** The provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by, or for a portion of a municipality, to the same extent as if the same had been passed by or for the whole municipality.



**20.** All by-laws to be submitted to such vote for granting bonuses to the said Company, not requiring the levy of a greater annual rate for all purposes, exclusive of school rates, than three cents on the dollar of the ratable property affected thereby, shall be valid.

Rate not to exceed 3 cents on the \$.

**21.** It shall be lawful for the corporation of any municipality through any part of which the railway of the said Company passes or is situate, by by-law especially passed for that purpose, to exempt the said company and its property within such municipality either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross or by the way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years.

Powers to exempt from taxation,

**22.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the said Company, the debentures thereof shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named—one by the Lieutenant-Governor in Council, one by the said Company, and one by the majority of the councils of the municipality which have granted bonuses; all of the trustees to be residents of the Province of Ontario; Provided if the municipal councils interested shall refuse or neglect to name a trustee within four weeks after notice in writing to them of the appointment by the Company, then the Company shall be at liberty to name such trustee: In the event of the death, resignation or inability, or refusal to act, of any trustee, the party who originally appointed such trustees so dying, resigning or becoming incapable or unwilling to act, may appoint a successor; and in the event of such party failing for two week safter notice in writing to make such appointment, the Company may appoint such trustee.

Trustees for municipal bonuses.

**23.** The said trustees shall receive the said debentures in trust: firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Dominion, in the name of the Midland Railway of Canada Municipal Trust Account, and to pay the same unto the Company from time to time on the certificate of the chief engineer of the said Company, in the form set out in schedule B hereto, or to the like effect, setting out how the money is to be applied, and that the sum so certified for is in pursuance of the terms and conditions (if such there be) of the by-law, and such certificate is to be attached to the cheques drawn by the said trustees.

Trusts upon which the debentures are to be held.

**24.** The act of any two of such trustees shall be as valid as if the three had agreed.

The act of two trustees valid.

**25.** The head office of the said company shall be at the City of London, in the United Kingdom of Great Britain and Ireland, and the property, affairs and concerns of the said company shall be managed and conducted at the said City of London. The head office in Canada shall continue to be in Port Hope. This clause of the Act shall not take effect until the existing creditors of the Company, other than bondholders have been satisfied.

Head office in London and Canada.



Seal.

**26.** The seal of the said Company shall be kept at the head office in London, England, and the said Company *shall* have a duplicate seal, marked Canada, to be used in this Dominion as may be resolved upon by the directors of the said Company, and the said duplicate seal when used shall have the same force and effect as if the original were used. 5

Number of directors.

**27.** The number of directors of the said Company to be hereafter elected by the shareholders and bondholders, shall be not less than seven, of whom three shall be resident in Canada, and hold their meetings at Port Hope 10

Rights of shareholders.

**28.** Nothing in this Act contained shall be construed to give any additional validity to *the title of any persons claiming to be the holders of any shares in the said Company.*

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## SCHEDULE "B."

### *Chief Engineer's Certificate.*

The *Midland* Railway Company's Office, Engineer's Department No. , A. D. 187 .

Certificate to be attached to Cheques drawn on the *Midland* Railway of *Canada* Municipal Trust Account, given under section , chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's Reign.

I, A. B., Chief Engineer for the *Midland* Railway of *Canada*, do certify that the said Company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the Township of (or under the agreement, dated the day of , between the Corporation of , and the said Company) to entitle the said Company to receive from the said trust the sum of , (here set out the terms and conditions, if any, which have been fulfilled).



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Third Session, Third Parliament, 41 Vic., 1878.

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BILL.

An Act relating to the Midland Railway  
of Canada.

*(Reprinted as Amended.)*

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First Reading, 28th January, 1878.

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*(PRIVATE BILL.)*

Mr. ROSEVEAR.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO

An Act respecting the Port Whitby Harbour Company.

WHEREAS Chester Draper, late of the Town of Whitby, Preamble.  
in the County of Ontario, Esquire, departed this life in  
the year of our Lord one thousand eight hundred and seventy-  
five, having first made his last will and testament, devising  
5 the greater portion of his estate, including that portion herein-  
after mentioned, to his executor and executrix, David Fisher,  
of the City of Toronto, Esquire, and Minerva Jane Draper, of  
the said Town of Whitby; and whereas, at the time of his  
death, the said Chester Draper was the holder and owner of  
10 all the stock in The Port Whitby Harbour Company, a  
body corporate and politic; and whereas the said The Port  
Whitby Harbour Company was seized and possessed of the  
said harbour at Port Whitby, and of an elevator, and wharves  
and other works in and about the said harbour; and whereas  
15 the said Chester Draper was seized of a certain portion of the  
said lands, which were used in connection with the said har-  
bour company's property; and whereas it has become neces-  
sary in the winding up of the estate of the said Chester Draper  
to sell and dispose of the said property, and in order the better  
20 to enable the said executor and executrix to make sale of the  
same they have petitioned for the passing of this Act of the  
Legislature, and whereas it is expedient to grant the prayer of  
said petition:

Therefore Her Majesty, by and with the advice and consent  
25 of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. It shall be lawful for the said executor and executrix to  
sell the whole of the property of the said The Port Whitby  
Harbour Company, or any property belonging to the said  
30 Chester Draper, and used in connection with the said harbour  
work, either at public auction or by private sale, and either  
for cash or on credit, and for such prices as to the said executor  
and executrix may seem meet. Executors may sell property of the Company or of C. Draper.

2. The sale, when so made by them, shall have the effect of  
35 vesting in the purchaser the whole of the property and fran-  
chise of the said Port Whitby Harbour Company and of the  
said Chester Draper therein, and such purchaser shall have  
and possess all the rights and powers, and be subject to the  
performance of all the duties of the said Port Whitby Harbour  
40 Company, granted and imposed by the several Acts of Parlia-  
ment under which the said corporation was created. Such sale to vest property and franchise of the company in purchaser.



In event of  
death, powers  
vested in trustee.

3. In the event of the death of the said executor and executrix, before the execution of the powers hereby conferred upon them, it shall and may be lawful for the person to whom may be committed the administration of the trusts of the said will to exercise all the powers mentioned in the first and second sections of this statute. 5

Nothing herein  
in to affect  
right of Dominion  
of Canada of  
navigation.

4. Nothing herein contained shall affect or impair any rights of the Dominion of Canada, under the Order in Council, under which the said harbour was transferred to the said company, and nothing herein contained shall be taken as in any way interfering with the laws of Canada respecting navigation. 10

No. 48.

Third Session, Third Parliament, 41 Vic. 1878.

# BILL.

An Act respecting the Port Whitby Harbour Company.

First Reading.

1878

(PRIVATE BILL.)

MR. BETHUNE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co

An Act respecting the Townships of Tilbury East,  
Raleigh and Romney.

WHEREAS the Municipal Corporation of the Township of <sup>Preamble.</sup>  
Tilbury East, in the County of Kent, have by their  
petition represented that in the year of our Lord one thousand  
eight hundred and seventy-five, the Government of Ontario  
5 completed certain drainage works in the said Township of Til-  
bury East, under the provisions of "The Ontario Drainage Act  
of 1873"; that in the year thereafter an assessment was made  
on certain lands and roads belonging to the said Township of  
Tilbury East, and to the adjoining Townships of Raleigh and  
10 Romney, and on certain roads belonging to the County of Kent,  
and that an attested copy of an assessment roll setting forth  
such assessment was deposited with the clerk of the said Cor-  
poration of the Township of Tilbury East pursuant to the pro-  
visions of the said Act; that the Corporations of the Town-  
15 ship of Raleigh and of the County of Kent submitted to the  
said assessment, but that the Corporation of the Township of  
Romney appealed from that portion thereof affecting the said  
Township of Romney; that Stephen White, Robert J. Morrison  
and Henry Smyth, the arbitrators appointed in the matter of  
20 the said appeal failed to make an award as required by the  
twenty-third section of the said Act; that the said Corporation  
of the Township of Tilbury East thereupon advertised the said  
assessment roll, held a Court of Revision, deposited duplicates  
of the said assessment roll as finally amended by the county  
25 judge with the commissioner of public works and with the  
registrar of the County of Kent, and finally, on the twentieth  
day of April, in the year of our Lord one thousand eight hun-  
dred and seventy-seven passed a by-law to provide for the col-  
lection of the sums mentioned in the said assessment roll as  
30 being payable in respect of lands and roads in the said Town-  
ship of Tilbury East in manner directed by the said Act, but  
without any award having first been made; that thereafter  
with the consent of the Municipal Corporation of the Town-  
ships of Tilbury East and Romney aforesaid, the said arbitra-  
35 tors met in the Town of Chatham and heard and determined  
the matter in dispute between the said corporations, and made  
an award therein under the hands and seals of the aforesaid  
Robert J. Morrison and Henry Smyth (being a majority of  
the said arbitrators), on the twenty-ninth day of September,  
40 in the year of our Lord one thousand eight hundred and  
seventy-seven, confirming the said assessment as between the  
said Townships of Tilbury East and Romney; and whereas the  
said petitioners have prayed for an Act to confirm and legalize  
the said assessment on the several lots and parcels of land and  
45 roads, and on the Canada Southern Railway in the said Town-  
ships of Tilbury East and Raleigh, and on roads belonging to

the said County of Kent mentioned in the said assessment roll, and as therein set forth also to confirm and make legal the said award, confirming the said assessment as between the said Township of Romney and the said Township of Tilbury East, made as aforesaid by a majority of the aforesaid arbitrators, 5 and to confirm and make legal the said by-law of the Corporation of the Township of Tilbury East, the same being intituled "By-law No. five of the year of our Lord one thousand eight hundred and seventy-seven, to provide for collecting the sums of money chargeable against the several lots and parcels of land 10 and roads in the Township of Tilbury East, an account of drainage works undertaken and completed by the Government of Ontario on the application of the Council of the Municipality of the said Township of Tilbury East," and passed on the twentieth day of April, in the year of our Lord one thousand eight hundred and seventy-seven; and whereas it is expedient to grant the prayer of the said petition; 15

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows: 20

Assessment  
roll valid.

1. The said assessment roll as finally revised so far as the same relates to the aforesaid Municipalities of the Township of Tilbury East, of the Township of Raleigh and of the County of Kent, notwithstanding any defect, error, omission or other illegality connected with the manner or time of making, or revising the same, and notwithstanding that the Court of Revision for revising that portion thereof relating to the said Municipality of Tilbury East was held prior to the making of the said award, and notwithstanding that the said assessment roll was not published and revised as required by the said Act, 30 after the making of the said award, shall be as valid and subsisting, and shall in all respects and for all purposes be the same as if the requirements of the said Act had in all respects been fully complied with. 35

Award valid.

2. The said award made by the aforesaid Robert J. Morrison and Henry Smyth, shall, notwithstanding any irregularity, illegality or defect in the time or manner of appointing the aforesaid arbitrators or any of them, or that one or more of the said arbitrators was disqualified by law for acting as such arbitrator, 40 and notwithstanding that the same was not made within the time required by law in that behalf, and notwithstanding any other illegality as regards the time or manner of making the same, or in any way connected therewith, shall be binding on the said Municipalities of Tilbury East and Romney. 45

By-law No. 5  
of Tilbury  
East, valid.

3. The aforesaid By-law number five of the said Municipal Corporation of the Township of Tilbury East is hereby confirmed and made legal, any law to the contrary notwithstanding. .





3rd Session, 3rd Parliament, 41 Vic. 1878.

BILL.

An Act respecting the Townships of Tilbury  
East, Raleigh and Romney.

First Reading,	1878.
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(*PRIVATE BILL.*)

Mr.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

No. 50.]

## BILL.

[1878.

An Act respecting the Toronto and Nipissing Railway Company.

WHEREAS the Toronto and Nipissing Railway Company Preamble.  
have prayed that their charter may be amended by further extending the time for the completion of their railway; and whereas it is expedient to grant the same:

5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The first section of the Act passed in the thirty-sixth year 36 Vic. c. 79,  
of the reign of Her Majesty Queen Victoria, and chaptered a. 1 amended.  
10 seventy-nine, is hereby amended by striking out the word  
“five” therein, and inserting in the place thereof the word  
“ten.”

Third Session, Third Parliament, 41 Vic., 1878.

BILL.

An Act respecting the Toronto and Nipissing Railway Company.

First Reading,	1878.
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(*PRIVATE BILL.*)

Hon. Mr. CAMERON.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act respecting the Toronto and Nipissing Railway Company.

WHEREAS the Toronto and Nipissing Railway Company Preamble.  
have prayed that their charter may be amended by further extending the time for the completion of their railway ;  
and whereas it is expedient to grant the same :

5 Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. The first section of the Act passed in the thirty-sixth year 36 Vic. c. 79,  
of the reign of Her Majesty Queen Victoria, and chaptered s. 1 amended.  
10 seventy-nine, is hereby amended by striking out the word  
“ five ” therein, and inserting in the place thereof the word  
“ ten.”

2. The said Company shall have full power in the construc- Power to pass  
tion of their Railway to pass over such portion of the Pro- over Provi-  
15 visional County of Haliburton as shall best enable them to attain sional County  
the objects mentioned in their Act of incorporation, of Haliburton.



BILL.

An Act respecting the Toronto and Nipissing Railway Company.

*(Reprinted as Amended.)*

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First Reading, 28th January, 1878.

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*(PRIVATE BILL.)*

Hon. Mr. Cameron.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to incorporate the Brant Memorial Association.

WHEREAS His Royal Highness the Duke of Connaught, Preamble.  
and His Excellency the Earl of Dufferin, Governor-General of the Dominion of Canada, have consented to become patrons of an association formed for the purpose of erecting a  
5 suitable monument or memorial to the memory of that distinguished warrior and chieftain, Captain Joseph Brant, (Tyen-dinaga); and whereas the several persons hereinafter named have by their petition prayed for an Act to incorporate the said association for the purpose after mentioned; and whereas it

10 is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, hereby enacts as follows:

1. The Honourable David Christie, Allen Cleghorn, Alexander Robertson, Charles A. Jones, William Patterson, M.P.,  
15 The Honourable Arthur Sturgis Hardy, M.P.P., Stephen James Jones, William Thompson, James Winniett Digby, M.D., William John Scarfe, the Reverend Abraham Nelles, John Elliott, George Henry Wilkes, Jasper Hugh Gilkison, Michael J. Kelly,  
20 M.D., L.L.B., Reginald Henwood, Henry Yates, Robert Henry, Henry Lenmoore, William C. Trimble, Joshua T. Johnston, William Watt, the younger, B.A., L.L.B., Arthur B. G. Tisdale, Alfred John Wilkes, L.L.B., John Joseph Hawkins, George Lindley, John Turner, George E. Bomberly, M.D., John Car-  
25 penter, David Thomas, John Burk, Levi Jonathan, John General, Nicodemus Porter, Joseph Henry, William Wedge, Moses Hill, George H. M. Johnson, and such others as may hereinafter become subscribers to the fund to be formed for the purposes aforesaid, shall be and are hereby incorporated and made a body  
30 politic and corporate as an association by the name of "The Brant Memorial Association," for the purpose of making such contracts, agreements, and entering into such arrangements as may be necessary for them to construct, erect, build and keep in repair a monument or other memorial to the memory of  
35 Captain Joseph Brant, at the City of Brantford, in the County of Brant, or elsewhere in the Province of Ontario, with the right to the said association to sue, and subject to the liability of being sued in respect of any such contracts, agreements, arrangements, monument, memorial, works and premises.

40 2. It shall and may be lawful for the council of any municipality in this province to grant such sums, not exceeding five thousand dollars in cities and two thousand dollars in towns and counties, and five hundred dollars in townships, to such

Incorporation and corporate name.

Municipalities may grant aid.

association for the purpose of contributing to the fund to be raised for the purposes aforesaid, by the issue of debentures at such dates and for such amounts, paid at such rate of interest as may be deemed advisable by such municipal councils or otherwise, or by entering into such agreements or giving such promissory notes or other undertakings for the repayment of any sum or sums which may be borrowed for the purpose aforesaid as such councils or any of them may deem expedient; and the by-law already passed by the said City of Brantford for the issuing of debentures to the extent of five thousand dollars for the purpose of contributing to the funds of the said association, is hereby approved and confirmed.

Joint Stock  
Companies  
Act to apply.

3. The several sections of the "Ontario Joint Stock Companies Letters Patent Act," shall, except where they or any of them are inconsistent with the provisions of this Act, apply to the association hereby incorporated.

No. 51.

Third Session, Third Parliament, 41 Vic. 1878.

# BILL.

An Act to incorporate the Brant Memorial Association.

First Reading.	1878.
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(PRIVATE BILL.)

Hon. Mr. HARDY.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

## An Act to incorporate the Brant Memorial Association.

WHEREAS His Royal Highness the Duke of Connaught, Preamble.

and His Excellency the Earl of Dufferin, Governor-General of the Dominion of Canada, have consented to become patrons of an association formed for the purpose of erecting a suitable monument or memorial to the memory of that distinguished warrior and chieftain, Captain Joseph Brant, (Tyen-dinaga); and whereas the several persons hereinafter named have by their petition prayed for an Act to incorporate the said association; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, hereby enacts as follows:

1. The Honourable David Christie, Allen Cleghorn, Alexander Robertson, Charles A. Jones, William Patterson, M.P., The Honourable Arthur Sturgis Hardy, M.P.P., Stephen James Jones, William Thompson, James Winniett Digby, M.D., William John Scarfe, the Reverend Abraham Nelles, John Elliott, George Henry Wilkes, Jasper Tigh Gilkison, Michael J. Kelly, M.D., L.L.B., Reginald Henwood, Henry Yates, Robert Henry, Henry Lemmon, William C. Trimble, Joshua T. Johnston, William Watt, the younger, B.A., L.L.B., Arthur B. G. Tisdale, Alfred John Wilkes, L.L.B., John Joseph Hawkins, George Lindley, John Turner, George E. Bomberry, M.D., John Carpenter, David Thomas, John Burk, Levi Jonathan, John General, Nicodemus Porter, Joseph Henry, William Wedge, Moses Hill, George H. M. Johnson, and such others as may hereinafter become subscribers to the fund to be formed for the purposes aforesaid, shall be and are hereby incorporated and made a body politic and corporate as an association by the name of "The Brant Memorial Association," for the purpose of making such contracts, agreements, and entering into such arrangements as may be necessary for them to construct, erect, build and keep in repair a monument or other memorial to the memory of Captain Joseph Brant, at the City of Brantford, in the County of Brant, or elsewhere in the Province of Ontario, with the right to the said association to sue, and subject to the liability of being sued in respect of any such contracts, agreements, arrangements, monument, memorial, works and premises.

2. The affairs of the Association shall be managed by a board of not less than five nor more than fifteen directors. a Number of directors.

3. The following named persons shall be the directors of the Association until replaced by others duly appointed in their Names of present directors.



stead, namely: *the said* The Honourable David Christie, Allen Cleghorn, Alexander Robertson, William Patterson, M.P., Stephen James Jones, Esq., James Winnett Digby, William John Scarfe, *John Joseph Hawkins, George H. Wilkes, The Rev. Abraham Nelles, Robert Henry, Alfred John Wilkes, George E. Bomberry, George H. M. Johnson, and Jasper T. Gilkison.* 5

Future directors to be subscribers.

4. No person shall be elected or appointed as a director thereafter, unless he is a subscriber.

Election of directors.

5. The after directors of the Association shall be elected by the subscribers in general meeting of the Association assembled at the City of Brantford, at such time, in such *manner*, and for such term, not exceeding two years, as the by-laws of the Association prescribe. 10

Provisions for election of directors.

6. In default of and until other express provisions in such behalf, by by-laws of the Association: 15

1. Such election shall take place yearly, all the members of the board retiring, and (if otherwise qualified), being eligible for re-election.

2. Notice of the time and place for holding general meetings of the Association shall be given at least ten days previously thereto, in some newspaper published at the City of Brantford. 20

3. At all general meetings of the Association every subscriber to the extent of five dollars shall be entitled to one vote, and to one vote additional for every additional ten dollars' subscription, but in no case shall one person be entitled to more than five votes, and any subscriber may vote by proxy, *and any corporation or municipality being a subscriber shall be entitled to be represented and to vote by and through its chief executive officer.* 25 30

4. Vacancies occurring in the board of directors may, unless the by-laws otherwise direct, be filled for the unexpired remainder of the term, by the board, from among the qualified subscribers to the Association.

5. The directors shall, from time to time, elect from among themselves a president of the Association, and shall also name, and may remove at pleasure all other officers thereof. 30

6. The treasurer of the Association shall give such security for the safe custody and proper application of all moneys coming into his hands, as the board of directors shall from time to time direct. 35

Failure to elect directors at the proper time.

7. If at any time an election of directors is not made, or does not take effect at the proper time, the Association shall not be held to be thereby dissolved, but such election may take place at any general meeting of the Association duly called for that purpose, and the retiring directors shall continue in office until their successors are elected. 40

Powers of directors.

8. The directors of the Association shall have full power in all things to administer the affairs of the Association, and may make or cause to be made for the Association, any description of contract which the Association may by law enter into. 45

By-laws.

9. The directors may from time to time make by-laws not contrary to law, or to this Act, to regulate:

1. The number of directors and their term of service ;
2. The appointment, functions, duties, and removal of all agents, officers, and servants of the Association ; the security to be given by them to the Association, and their remuneration ;
- 5 3. The time at which and the place where the annual meetings of the Association shall be held ; the calling of meetings, regular and special, of the board of directors, and of the Association ; the quorum ; the requirements as to proxies ; and the procedure in all things at such meetings ;
- 10 4. The conduct in all other particulars of the affairs of the Association.

10. Five of the subscribers to the Association shall at all times have the right to *require the president* to call a special meeting thereof for the transaction of any business specified in  
 15 such written requisition and notice as they may issue to that effect.

11. The Association may enforce payment of all subscriptions by action in any court of competent jurisdiction, and in such case it shall not be necessary to set forth the special mat-  
 20 ter, but it shall be sufficient to declare that the defendant is a subscriber, stating the number of shares, and is indebted in the sum of money in respect of such subscription whereby an action has accrued to the Association, under this Act ; and a certificate under the seal, and purporting to be signed by any of-  
 25 ficer of the Association, to the effect that the defendant is a subscriber, and that so much is due by him and unpaid thereon, and that the same has been demanded, shall be received in all courts of law and equity as *prima facie* evidence to that effect.

12. Proper books of account, containing accurate entries of all receipts and expenditure of the Association, shall be kept by the Association, and such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of subscribers and creditors of the  
 35 Association and their personal representatives, at the office or chief place of business of the Association ; and every such subscriber, creditor, or representative, may make extracts therefrom.

13. No subscriber, his executors or administrators, shall be liable either to the said Association or to *any* creditor or cre-  
 40 ditors thereof, for or on account of the liabilities thereof, beyond the amount unpaid on his subscription.

14. The word "subscriber" in this Act shall mean person or persons who shall have given, donated, or subscribed to the  
 45 funds of the Association the sum of five dollars and upwards.

15. It shall and may be lawful for the council of any municipality *by by-law and without submitting such by-law to the vote or for the assent of the ratepayers* to grant such sums, not exceeding five thousand dollars in cities, and two thousand dol-  
 50 lars in towns and counties, and five hundred dollars in townships, to such association for the purpose of contributing to the fund to be raised for the purposes aforesaid, *either in money or by the issue of debentures* at such dates and for such amounts,

and at such rate of interest as may be deemed advisable by such municipal councils, and the by-law already passed by the said City of Brantford for the issuing of debentures to the extent of five thousand dollars for the purpose of contributing to the funds of the said association, is hereby confirmed, *and made valid for all purposes; but nothing herein contained shall prevent the said council from amending the said by-law as to the terms of the payment of such bonus or grant.* 5

No. 51.

Third Session, Third Parliament, 41 Vic., 1878.

BILL,

An Act to incorporate the Brant Memorial Association.

(Reprinted as Amended.)

First Reading, 29th January, 1878.

(PRIVATE BILL.)

Hon. Mr. HARDY.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.



An Act to incorporate the Brant Memorial Association.

**W**HEREAS His Royal Highness the Duke of Connaught, Preamble.  
and His Excellency the Earl of Dufferin, Governor-General of the Dominion of Canada, have consented to become patrons of an association formed for the purpose of erecting a  
5 suitable monument or memorial to the memory of that distinguished warrior and chieftain, Captain Joseph Brant, (Tyen-dinaga); and whereas the several persons hereinafter named have by their petition prayed for an Act to incorporate the said association; and whereas it is expedient to grant the prayer of  
10 the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, hereby enacts as follows:

1. The Honourable David Christie, Allen Cleghorn, Alexander Robertson, Charles A. Jones, William Patterson, M.P.,  
15 The Honourable Arthur Sturgis Hardy, M.P.P., Stephen James Jones, William Thompson, James Winniett Digby, M.D., William John Scarfe, the Reverend Abraham Neiles, John Elliott, George Henry Wilkes, Jasper *Tigh* Gilkison, Michael J. Kelly,  
20 M.D., L.L.B., Reginald Henwood, Henry Yates, Robert Henry, Henry *Lemmon*, William C. Trimble, Joshua T. Johnston, William Watt, the younger, B.A., L.L.B., Arthur B. G. Tisdale, Alfred John Wilkes, L.L.B., John Joseph Hawkins, George Lindley, John Turner, George E. Bomberly, M.D., John Carpenter,  
25 David Thomas, John Burk, Levi Jonathan, John General, Nicodemus Porter, Joseph Henry, William Wedge, Moses Hill, George H. M. Johnson, and such others as may hereinafter become subscribers to the fund to be formed for the purposes aforesaid, shall be and are hereby incorporated and made a body  
30 politic and corporate, as an association by the name of "The Brant Memorial Association," for the purpose of making such contracts, agreements, and entering into such arrangements as may be necessary for them to construct, erect, build and keep in repair a monument or other memorial to the memory of  
35 Captain Joseph Brant, at the City of Brantford, in the County of Brant, or elsewhere in the Province of Ontario, with the right to the said association to sue, and subject to the liability of being sued in respect of any such contracts, agreements, arrangements, monument, memorial, works and premises.

2. The affairs of the Association shall be managed by a Number of  
40 board of not less than five nor more than *fifteen* directors; *until* directors.  
*and unless the by-laws of the Association otherwise provide.*

3. The following named persons shall be the directors of the  
Association until replaced by others duly appointed in their  
Names of present directors.



stead, namely: *the said* The Honourable David Christie, Allen Cleghorn, Alexander Robertson, William Patterson, M.P., Stephen James Jones, Esq., James Winnett Digby, William John Scarfe, *John Joseph Hawkins, George H. Wilkes, The Rev. Abraham Nelles, Robert Henry, Alfred John Wilkes, George* 5  
E. Bomberry, George H. M. Johnson, *and Jasper T. Gilkison.*

Future directors to be subscribers. 4. No person shall be elected or appointed as a director thereafter, unless he is a subscriber.

Election of directors. 5. The after directors of the Association shall be elected by the subscribers in general meeting of the Association assembled 10 at the City of Brantford, at such time, in such *manner*, and for such term, not exceeding two years, as the by-laws of the Association prescribe.

Provisions for election of directors. 6. In default of and until other express provisions in such behalf, by by-laws of the Association: 15

1. Such election shall take place yearly, all the members of the board retiring, and (if otherwise qualified), being eligible for re-election.

2. Notice of the time and place for holding general meetings of the Association shall be given at least ten days previously 20 thereto, in some newspaper published at the City of Brantford.

3. At all general meetings of the Association every subscriber to the extent of five dollars shall be entitled to one vote, and to one vote additional for every additional ten dollars' sub- 25 scription, but in no case shall one person be entitled to more than five votes, and any subscriber may vote by proxy, *and any corporation or municipality being a subscriber shall be entitled to be represented and to vote by and through its chief executive officer.* 30

4. Vacancies occurring in the board of directors may, unless the by-laws otherwise direct, be filled for the unexpired remainder of the term, by the board, from among the qualified subscribers to the Association.

5. The directors shall, from time to time, elect from among 35 themselves a president of the Association, and shall also name, and may remove at pleasure all other officers thereof.

6. The treasurer of the Association shall give such security for the safe custody and proper application of all moneys coming into his hands, as the board of directors shall from time to 40 time direct.

Failure to elect directors at the proper time. 7. If at any time an election of directors is not made, or does not take effect at the proper time, the Association shall not be held to be thereby dissolved, but such election may take place at any general meeting of the Association duly called for 45 that purpose, and the retiring directors shall continue in office until their successors are elected.

Powers of directors. 8. The directors of the Association shall have full power in all things to administer the affairs of the Association, and may make or cause to be made for the Association, any descrip- 50 tion of contract which the Association may by law enter into.

By-laws. 9. The directors may from time to time make by-laws not contrary to law, or to this Act, to regulate:

1. The number of directors and their term of service ;
2. The appointment, functions, duties, and removal of all agents, officers, and servants of the Association ; the security to be given by them to the Association, and their remuneration ;
- 5 3. The time at which and the place where the annual meetings of the Association shall be held ; the calling of meetings, regular and special, of the board of directors, and of the Association ; the quorum ; the requirements as to proxies ; and the procedure in all things at such meetings ;
- 10 4. The conduct in all other particulars of the affairs of the Association.

10. Five of the subscribers to the Association shall at all times have the right to *require the president* to call a special meeting thereof for the transaction of any business specified in such written requisition and notice as they may issue to that effect.

Special meetings.

11. The Association may enforce payment of all subscriptions by action in any court of competent jurisdiction, and in such case it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a subscriber, stating the number of shares, and is indebted in the sum of money in respect of such subscription whereby an action has accrued to the Association, under this Act ; and a certificate under the seal, and purporting to be signed by any officer of the Association, to the effect that the defendant is a subscriber, and that so much is due by him and unpaid thereon, and that the same has been demanded, shall be received in all courts of law and equity as *prima facie* evidence to that effect.

Enforcing payment of subscriptions.

12. Proper books of account, containing accurate entries of all receipts and expenditure of the Association, shall be kept by the Association, and such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of subscribers and creditors of the Association and their personal representatives, at the office or chief place of business of the Association ; and every such subscriber, creditor, or representative, may make extracts therefrom.

Accounts.

13. No subscriber, his executors or administrators, shall be liable either to the said Association or to *any* creditor or creditors thereof, for or on account of the liabilities thereof, beyond the amount unpaid on his subscription.

Liability of subscribers.

14. The word "subscriber" in this Act shall mean person or persons who shall have given, donated, or subscribed to the funds of the Association the sum of five dollars and upwards.

Interpretation of the word "subscriber."

15. It shall and may be lawful for the council of any municipality *by by-law and without submitting such by-law to the vote or for the assent of the ratepayers* to grant such sums, not exceeding five thousand dollars in cities, and two thousand dollars in towns and counties, and five hundred dollars in townships, to such association for the purpose of contributing to the fund to be raised for the purposes aforesaid, *either in money or by the issue of debentures* at such dates and for such amounts,

Municipalities may grant aid.

and at such rate of interest as may be deemed advisable by such municipal councils, and the by-law already passed by the said City of Brantford for the issuing of debentures to the extent of five thousand dollars for the purpose of contributing to the funds of the said association, is hereby confirmed, *and made valid for all purposes; but nothing herein contained shall prevent the said council from amending the said by-law as to the terms of the payment of such bonus or grant.* 5

## BILL.

An Act to incorporate the Brant Memorial Association.

(Reprinted as Amended.)

First Reading, 29th January, 1878.

Second " 15th February, 1878.

(PRIVATE BILL.)

Hon. Mr. HARDY.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.



An Act respecting the Galt and Guelph Railway Company.

WHEREAS the Galt and Guelph Railway Company have, by Preamble.  
 their petition, represented that the Great Western Rail-  
 way Company are mortgagees in possession of the road property  
 and works of the Galt and Guelph Railway Company, and have for  
 5 several years been working the said Galt and Guelph Railway  
 under an agreement entered into in pursuance of the Acts of  
 the Parliament of the late Province of Canada, passed in the  
 eighteenth year of Her Majesty's reign, chaptered seventy and  
 one hundred and seventy-six respectively; and that whereas  
 10 a suit in Chancery was heretofore brought by the Galt and  
 Guelph Railway Company against the Great Western Railway  
 Company in respect of the rights claimed by them under the  
 said agreement; and that whereas, the said railway companies  
 have agreed to settle the said suit and all matters in difference  
 15 between them in consideration of the payment by the Great  
 Western Railway Company of the sum of twelve thousand  
 dollars, for which sum it hath been agreed that the Great  
 Western Railway Company shall obtain a valid release of the  
 equity of redemption of the Galt and Guelph Railway Com-  
 20 pany in the said road property and works, and a full title to all  
 the franchises of the said Galt and Guelph Railway Company;  
 and whereas it is expedient to pass an Act to empower the  
 directors of the Galt and Guelph Railway Company to carry  
 out the said settlement, and for that purpose to execute  
 25 a valid release and transfer of the Galt and Guelph Railway  
 to the Great Western Railway Company, and otherwise as here-  
 inafter provided :

Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 30 as follows :

1. The directors of the Galt and Guelph Railway Company are hereby empowered upon payment of the sum of twelve thousand dollars, as hereinafter mentioned, to carry out the said settlement; and for that purpose to execute or cause to be  
 35 executed under the corporate seal of the Galt and Guelph Rail-  
 way Company a valid release of the equity of redemption of  
 the Galt and Guelph Railway Company in the Galt and Guelph  
 Railway, and all the property and works thereof now in pos-  
 session of the Great Western Railway Company, and a valid  
 40 and absolute transfer of all the right, title and interest of the  
 Galt and Guelph Railway Company in the said railway pro-  
 perty and works, and of all the franchises, rights and powers  
 possessed by the Galt and Guelph Railway Company in respect  
 of the said railway, and the working and management thereof,

Power to transfer the property, &c., of the Galt and Guelph Railway to the Great Western for \$12,000.



and such further releases and instruments as shall discharge all claims by the one company against the other, and shall confer upon the Great Western Railway Company a full and complete title to the Galt and Guelph Railway property and works.

Disposal of  
purchase  
money.

2. The said sum shall be paid and applied as follows :—the 5  
sum of four thousand dollars to C. E. Anderson and Alexander  
McDonnell, in full satisfaction of the bonds of the Galt and  
Guelph Railway Company held by them and of all claims  
in respect of such bonds and moneys due, or to accrue due  
thereunder, and any costs of proceedings thereon; and the sum 10  
of eight thousand dollars, balance of the said sum of twelve  
thousand dollars, shall be paid to the Honourable Isaac Buchanan,  
Charles Davidson and Donald Guthrie to be applied according  
to the resolution passed by the directors of the Galt and Guelph  
Railway Company at the meeting held by them on the twenty- 15  
eighth day of November, one thousand eight hundred and  
seventy-seven.

## BILL.

An Act respecting the Galt and Guelph  
Railway Company.

First Reading,	1878,
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(PRIVATE BILL.)

Mr. MASSIE.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Galt and Guelph Railway Company.

**W**HEREAS the Galt and Guelph Railway Company have, by their petition, represented that the Great Western Railway Company are mortgagees of the railway property and works of the Galt and Guelph Railway Company, and have for several years been working the Galt and Guelph Railway under an agreement entered into in pursuance of the Acts of the Parliament of the late Province of Canada, passed in the eighteenth year of Her Majesty's reign, chaptered seventy and one hundred and seventy-six respectively; and that the Galt and Guelph Railway Company are largely indebted to the Great Western Railway Company; And whereas the said two railway companies have agreed that in consideration of the sum of twelve thousand dollars, to be paid by the Great Western Railway Company as hereinafter mentioned, the Galt and Guelph Railway Company shall pay, satisfy, or discharge, or procure to be paid, satisfied or discharged, all the debts and liabilities of and claims and demands against them, the Galt and Guelph Railway Company, other than and except the claims of the Great Western Railway Company, and shall procure to be transferred and assigned to the Great Western Railway Company, or to trustees named by them, all the capital stock of the Galt and Guelph Railway Company free from encumbrances; And whereas certain portions of the said capital stock are held by municipal corporations; and it is expedient to pass an Act to remove any doubt as to the power of the said municipal corporations to transfer the capital stock so held by them, in manner aforesaid, and for the other purposes hereinafter mentioned;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the City of Hamilton, the Corporation of the Town of Guelph, the Corporation of the Village of Preston and the Corporation of the Township of Guelph are each hereby empowered to transfer and assign, at the request of the Galt and Guelph Railway Company, to the Great Western Railway Company, or to such persons as the Great Western Railway Company may nominate, all the capital stock in the Galt and Guelph Railway Company held or owned by such corporation, and such assignments and transfers, whether made for valuable consideration or otherwise, shall vest absolutely in the assignees or transferees the whole of the capital stock thereby purported to be assigned and transferred.

Certain Corporations empowered to transfer to the G. W. R. Co. their capital stock in the G. & G. R. Co.

How assignments to be executed.

2. Every such assignment and transfer shall be executed under the seal of the corporation and the hand of the mayor or reeve, as the case may be, of the corporation for the time being.

3. And whereas it is contemplated by the said two railway companies that upon the assignment and transfer to the Great Western Railway Company, or their nominees of not only all the said capital stock held or owned by the several corporations in the first clause mentioned, but also of all other the capital stock of, and in, the Galt and Guelph Railway Company, free from encumbrances, and upon the payment; satisfaction and discharge by the Galt and Guelph Railway Company of all its debts and liabilities, and of all claims and demands against it, other than the claims of the Great Western Railway Company, and other than the claim of Alexander McDonell, for principal and interest upon a bond for two thousand dollars held by him, of the Galt and Guelph Railway Company, and other than the claim of Rose Anderson, wife of Charles E. Anderson, for principal and interest upon a bond of the same Company for four thousand dollars held by her; then that the Great Western Railway Company will within thirty days thereafter pay to the said Alexander McDonell, the sum of one thousand three hundred and thirty-three dollars and thirty-three and a-third cents, and to the said Rose Anderson, the sum of two thousand six hundred and sixty six dollars and sixty-six and two-thirds cents, upon both the said bonds being surrendered to them and releases being executed by both the said persons of all claims and demands against the Galt and Guelph Railway Company, and that thereupon the said the Great Western Railway Company will pay to the Hon. Isaac Buchanan, Charles Davidson, and Donald Guthrie, the further sum of eight thousand dollars, making in all the sum of twelve thousand dollars, firstly above mentioned; Therefore, it is hereby further enacted that the said Alexander McDonald and Rose Anderson, upon payment or tender to them respectively of the sums above mentioned as intended to be so paid, shall except and receive the sums in full of all their respective claims and demands against the Galt and Guelph Railway Company, and shall execute all proper releases and discharges, and surrender the said bonds; and the said Isaac Buchanan, Charles Davidson and Donald Guthrie, upon receipt of the said sum of eight thousand dollars, shall apply the same according to the resolution passed by the directors of the Galt and Guelph Railway Company, at the meeting held by them on the twenty-eighth day of November, one thousand eight hundred and seventy-seven.

Claims of A. McDonald and Rose Anderson.

Claims of the G. W. R. Co.

4. Nothing in this Act contained shall affect in any manner, howsoever the claims of the Great Western Railway Company, against the Galt and Guelph Railway Company, nor shall anything herein be taken or construed as creating or imposing any duty, liability, or obligation upon the Great Western Railway Company.

Election of Directors of the G. & G. R. Co.

5. It shall be lawful for the shareholders of the Galt and Guelph Railway Company, in general meeting, by a majority vote to alter the number of persons who shall be directors of the Company, so that such number shall not be less than five nor more than nine; if, for any reason in any year, no election

of directors shall take place at the time appointed for that purpose, the existing directors shall continue to act and retain their powers until new directors be elected at any subsequent special general meeting called for the purpose, or annual general meeting; should any vacancy occur in the board of directors during any year, such vacancy may be filled by the remaining directors.

6. The person or persons to whom the said capital stock may be transferred at the request of the Great Western Railway Company, either as trustees for them or otherwise, shall have and may exercise, and enjoy all the rights and privileges of ordinary shareholders, holding shares for their own use.

Rights of the transferees of the stock.

7. Nothing in this Act contained shall be taken or construed as conferring any powers upon the Great Western Railway Company, or as enabling them to do or undertake any matter or thing which is not authorized by the Acts relating to the said Company.

Power of the G. W. R. Co.



Third Session, Third Parliament, 41 Vic. 1878.

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BILL.

An Act respecting the Galt and Guelph  
Railway Company.

*(Reprinted as Amended.)*

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First Reading, 28th January, 1878.

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*(PRIVATE BILL.)*

Mr. MASSIE.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to convert a Burying ground in the Town of Guelph into a Park or pleasure ground.

**W**HEREAS the corporation of the Town of Guelph have by Preamble. their petition, represented that the said Town of Guelph is seized, and possessed of a parcel of land known as the Burying ground situate within the limits of Wyndham, Quebec, Yarmouth and Woolwich streets, in the said Town of Guelph, which parcel of land has long since ceased to be used for burial purposes, and the inhabitants of the said Town desire that the said parcel of land should be vested in the said Town and used and enjoyed by the inhabitants thereof as a public Park or pleasure ground.

10 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the corporation of the Town of Guelph after the removal of the bodies interred in that parcel Burying ground vested in the City. of land known as the "Burying ground," situate within the limits of Wyndham, Quebec, Yarmouth and Woolwich streets, in the said Town of Guelph, to have and to hold the said parcel of land, and after the passing of this act, the said parcel shall become and be vested in the said town and shall be

20 used and enjoyed by the inhabitants thereof as a public park and pleasure ground, and the council of the said corporation is hereby authorized to pass by-laws from time to time for the care and regulation of the same.

2. The said corporation is hereby authorized forthwith Removal of bodies free from burying ground. after giving notice as herein after mentioned to remove from the said burying ground the remains of the dead therein interred to the Union Cemetery or St. George's Cemetery, at the sole cost of such corporation, and to re-inter such remains decently and in order, and to erect any monument or head-

30 stone erected in said burying ground at the time of such removal and so far as reasonably may be with a due regard to the wishes or desires of the relatives or friends of the deceased, as to the manner of such removal and re-interment.

3. The said incorporation shall before removing the re- Notice of removal of bodies. mains of the dead as aforesaid, during the period of one month publish a notice once in each week, in each of the newspapers published in the said town, stating their intention to remove the said remains after a day to be named in the said notice, which day shall not be less than six weeks after the first publi-

40 cation of such notice, and no further or other notice to the friends or relatives of the deceased shall be necessary.

BILL.

An Act to convert a Burying ground in the  
Town of Guelph into Park or pleasure  
ground.

First Reading,	1878.
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(*PRIVATE BILL.*)

Mr. MASSE.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Public Burial Ground in the Town of Guelph.

WHEREAS the corporation of the Town of Guelph have by their petition, represented that the said Town of Guelph is seized, and possessed of a parcel of land known as *and laid down upon the original plan of the Town plot of said Town as the Burying ground and which said parcel is with other lands and certain lanes* situate within the limits of Wyndham, Quebec, Yarmouth and Woolwich streets, in the said Town; *And whereas said Burial ground* has long since ceased to be used for burial purposes, and the inhabitants of the said Town desire that the said parcel of land should be vested in the said Town to be as a public Park ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. It shall be lawful for the corporation of the Town of Guelph after the removal of the bodies interred in that parcel of land known as the "Burying ground" *aforesaid*, to have and to hold the said parcel of land, and after the passing of this act, the said parcel shall become and be vested in the said town and shall be used and enjoyed as a public park, and the council of the said corporation is hereby authorized to pass by-laws from time to time for the care and regulation of the same.

2. The said corporation is hereby authorized forthwith after giving notice as herein after mentioned to remove from the said *burial ground* the remains of the dead therein interred to the Union Cemetery or St. George's Cemetery, at the sole cost of such corporation, and to re-inter such remains decently and in order, and to erect any monument or headstone erected in said *burial ground* at the time of such removal and so far as reasonably may be with a due regard to the wishes or desires of the relatives or friends of the deceased, as to the manner of such removal and re-interment.

3. The said corporation shall before removing the remains of the dead as *aforesaid*, during the period of one month publish a notice once in each week, in each of the newspapers published in the said town, stating their intention to remove the said remains after a day to be named in the said notice, which day shall not be less than six weeks after the first publication of such notice, and no further or other notice to the friends or relatives of the deceased shall be necessary.

Preamble.

Burying ground vested in the City to be used as a public park.

Removal of bodies free from burying ground.

Notice of removal of bodies.



Third Session, Third Parliament, 41 Vic. 1878.

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BILL.

An Act respecting the Public Burying  
Ground in the Town of Guelph.

(Reprinted as Amended.)

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First Reading, 26th January, 1878.

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(PRIVATE BILL.)

MR. MASSIE.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Stratford and Huron Railway Company.

**W**HEREAS the Stratford and Huron Railway Company, Preamble.  
has petitioned that an Act may be passed to amend  
the several Acts, relating to the said company, and to extend  
the powers on it thereby conferred; and whereas, at a meeting  
5 of the shareholders of the said company, duly called for that  
purpose, holden on the twenty-sixth day of March, one thousand  
and eight hundred and seventy seven, the directors of the said  
company were, in and by virtue of the seventeenth section of  
an Act passed in the fortieth year of the reign of Her Majesty  
10 Queen Victoria, and chaptered seventy-nine, authorized to accept,  
enter into and execute a contract, then produced and approved  
with Messrs Fuller, Tisdale, Wright, and Clark, for the  
construction of the line of its railway, from the Town of Strat-  
ford, to the Town of Listowell, which said contract bears date  
15 the twenty-sixth day of March, one thousand eight hundred and  
seventy-seven: and whereas, at the said meeting, the said  
directors were authorized to divide the bond issue into first and  
second preference bonds, to limit the issue of first preference  
bonds to seven thousand five hundred and fourteen dollars, or  
20 its equivalent in sterling money of Great Britain, per mile, for  
each mile in length of the said railway, to raise such preference  
bonds to the amount aforesaid, with coupons attached thereto  
for payment of interest thereon half-yearly, at the rate of six  
per centum per annum, the said bonds to be made payable to  
25 bearer in twenty years from the first day of July one thousand  
eight hundred and seventy-seven, in sterling money of Great  
Britain, at such place or places either in Great Britain or Canada,  
and of such denomination or denominations as the directors  
should determine, to decline that the first bonds issued by the  
30 said company to the amount of two hundred and two thousand  
eight hundred and seventy dollars or its equivalent in sterling  
money aforesaid should form, be taken, and considered to be  
the first and preferential claims and charges upon the undertak-  
ing and property of the company, real and personal, then exist-  
35 ing, and at any time thereafter acquired, in the said Town of  
Stratford and the Town of Listowell, and between those places,  
prior to and in preference of all other bonds thereafter issued  
or to be issued by the said company: and whereas, at a meet-  
ing of the directors of the said company, duly called for that  
40 purpose, and held on the twenty-sixth day of March, one thousand  
and eight hundred and seventy-seven, the said directors divided  
the said bond issue with first and second preference bonds,  
limiting the issue of the first preference bonds to seven thousand  
and five hundred and fourteen dollars, or its equivalent in ster-  
45 ling money of Great Britain, per mile, for each mile in length

of the said railway, and declared that the first bonds issued or to be issued by the said company, to the amount of two hundred and two thousand eight hundred and seventy dollars, or its equivalent in sterling money of Great Britain, should form, be taken and considered to be the first and preferential claims and charges upon the undertaking and property of the company, real and personal, and then existing and at any time thereafter acquired in the said Town of Stratford, and the said Town of Listowell, and between these places: and whereas, at a meeting of the said directors, holden on the fifth day of April, one thousand eight hundred and seventy-seven, the said contract of the said company, with Messrs. Clarke, Wright, Fuller, and Tisdale, for the construction of the said line of railway, from Stratford to Listowell was approved of by the said directors and and directed to be executed by the said company, and at the same meeting the said directors authorized the president and secretary and treasurer of the said company, to have prepared and ready for issue first preference bonds, to the amount of two hundred and two thousand eight hundred and seventy dollars, or its equivalent in sterling money of Great Britain, with proper coupons attached for payment of interest half-yearly, at six per centum per annum, said bonds to be made payable to bearer twenty years from the first day of July, one thousand eight hundred and seventy-seven, in sterling money of Great Britain, at such place or places in Great Britain or Canada, and in such denomination or denominations as the president and secretary and treasurer should see fit to designate in such bonds, and to be numbered consecutively from one upwards, which action and resolution of the said directors were confirmed and approved at a meeting of the said directors duly called for that purpose, holden on the ninth day of April, one thousand eight hundred and seventy-seven: and whereas at a special general meeting of the shareholders of the said company, duly called for that purpose, holden on the fourteenth day of May, one thousand eight hundred and seventy-seven, the capital stock of the said company were increased to the sum of two hundred thousand dollars in all, and the said directors were authorized to issue paid up stock and scrip therefor, to the extent of one hundred and fifty thousand dollars, and deliver the same to Messrs. Clark, Wright, Fuller and Tisdale, under the statute of the last session according to the terms of the said contract: and whereas, at a meeting of the said directors, duly called for that purpose, and holden on the fourteenth day of May, one thousand eight hundred and seventy-seven, the president and treasurer were authorized to make payment of cash and bonds and paid up stock, from time to time on the certificate of the engineer, in accordance with the contract made between the said company and the said contractors, for the construction of the said line from Stratford to Listowell, and that the president and secretary and treasurer should deliver such paid up stock and scrip therefore, to the amount of one hundred and fifty thousand dollars, according to the terms of the said contract, to the said contractors Messrs. Clarke, Wright, Fuller and Tisdale: and whereas, the said contract was duly executed by the said company and the said Clarke, Wright, Fuller and Tisdale: and whereas the said bonds, to the amount or extent of two hundred and two thousand eight hundred and seventy dollars, at the meeting of directors holden on the fifth day of April, one thousand eight hundred and seventy-seven, ordered to be prepared and issued, were so prepared and issued, and the



same were, to the amount or extent last aforesaid, in accordance with the authority of the said meeting of the said directors, holden on the fourteenth day of May, one thousand eight hundred and seventy-seven, delivered to the said Messrs. Clarke, Wright, Fuller and Tisdale, who had become entitled thereto in respect of the performance of the said contract : and whereas paid up stock, to the amount of one hundred and fifty thousand dollars, and scrip therefor were duly issued, allotted and delivered to the said Messrs. Clarke, Wright, Fuller and Tisdale, who had become entitled thereto under and by virtue of the said contract : and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

**1.** In the construction of this Act, the words "The Company," shall mean the Stratford and Huron Railway Company ; the words "The United Company," shall mean the one company and one corporation, by the corporate name assigned to it in an agreement mentioned in the eleventh section of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, and the company purchasing the railway property and rights of the other company, by the corporate name assigned to it in an agreement mentioned in the twelfth section of the last mentioned Act ; and the words "The Railway," shall mean the railway of the Stratford and Huron Railway Company, unless the context require a different interpretation of the words hereby interpreted.

Interpretation clause.

**2.** The action and the resolution of the shareholders and directors of the company respectively, as set out, described, and mentioned in above recitals thereof, are hereby confirmed, and are declared to have been, and to be legal, valid, and binding, and the meetings aforesaid, whether of such shareholders or directors, are hereby declared to have been properly and lawfully called and held.

Action and resolution of shareholders and directors confirmed.

**3.** The contract between the company and Messrs. Clarke, Wright, Fuller, and Tisdale, in the above recital referred to, is hereby confirmed and declared valid and binding, and it is declared that the same was properly entered into, and that the paid up stock and bonds in the said recitals mentioned as issued, were properly and lawfully so issued, and that the same are respectively valid and binding.

Contract for construction of railway confirmed. Issue of bonds and paid up stock confirmed.

**4.** The allotment and delivery of the said paid up stock, and the delivery of the said bonds to the said Messrs. Clarke, Wright, Fuller, and Tisdale, as mentioned and set out in the said recitals, are hereby confirmed, and declared to have been, and to be lawful allotments and deliveries respectively : and the said Messrs. Clarke, Wright, Fuller, and Tisdale, are hereby declared to hold the same respectively, with all the right, privileges, and immunities conferred on shareholders whose shares have been fully paid up, and of bond holders, by this and all former Acts relating to the said company.

Allotment and delivery to contractors of paid up stock and bonds confirmed.

**5.** The said bonds are hereby declared to have been issued under and in pursuance of the twenty-fifth section of an Act

Bonds declared to be



under 40 Vic.  
cap. 79, sec. 25.

passed in the fortieth year of the reign of Her Majesty, Queen Victoria, and chaptered seventy-nine, and to be the bonds therein referred to, and to have the effect therein provided, and to confer on the holders thereof the powers, privileges, rights, liens, priorities and preferences mentioned in the said section, as if such bonds had then been issued and were expressly referred to and described therein as the first bonds issued by the company as therein provided, to the exclusion of all other bonds thereafter issued or to be issued. 5

Power to issue  
second prefer-  
ence bonds for  
\$121,500, un-  
der 40 Vic. cap.  
79, sec. 25.

6. The directors are hereby authorized and empowered, with the sanction of the shareholders first obtained at any special 10 general meeting of the shareholders, duly called for that purpose, by resolution to declare that bonds hereafter issued by the company, for an amount not exceeding in the whole the sum of one hundred and twenty-one thousand and five hundred dollars, or its equivalent in sterling money of Great Britain, 15 shall be, and form, and be taken and considered to be claims and charges upon the undertaking and the property of the company, real and personal, then existing and at any time thereafter acquired, in the said Town of Stratford, and the Town of Listowell, and between the said towns, subsequent 20 and postponed to the bonds mentioned in the fifth section of this Act, and also to all bonds hereafter issued to redeem the bonds mentioned in the said fifth section or in renewal thereof, but prior to and in preference of all other bonds thereafter issued or to be issued by the company; and, upon such resolu- 25 tion being passed by the said directors after such sanction as aforesaid, the bonds thereafter issued or to be issued by the company, to the extent and amount mentioned in the said resolution, shall, in addition to the liens, claims, charges and encumbrances created and granted by the third, fourth and fifth 30 sections of an Act passed in the reign of Her Majesty, Queen Victoria, and chaptered seventy-nine, form, and be taken and considered to be liens, claims and charges upon the undertaking and property of the company, real and personal, and then existing, and at any time thereafter acquired in the said Towns 35 of Stratford and Listowell and between the said towns, prior to and in preference of all other bonds thereafter issued by the company, but subsequent and postponed to the bonds in the fifth section of this Act mentioned; and each holder of the bonds sanctioned by this section shall, in addition to all other 40 powers, privileges and rights, be deemed to be a mortgagee and encumbrance, *pro rata* with all other holders of such last mentioned bonds, upon the undertaking and property of the company, real and personal, and then existing, and at any time 45 thereafter acquired in the said Towns of Stratford and Listowell or between the said towns; and, as between the bonds authorized by this section and the holders thereof, and all other bonds which shall thereafter be issued by the company and the holders thereof, except the bonds in redemption or renewal of the bonds already issued as aforesaid and the holders thereof, 50 the former, (the bonds authorized by this section), shall take rank and priority and form encumbrances, charges and liens upon the undertaking and property of the company, real and personal, and then existing, and at any time thereafter acquired in the Towns of Stratford and Listowell and between the said 55 towns, immediately after the bonds mentioned in the fifth section of this Act, and immediately before and prior to all other

bonds which shall thereafter be issued by the company, except the bonds in redemption or renewal of the bonds already issued as aforesaid, and not equally or simultaneously with them or any of them.

- 5 7. The directors are hereby authorised for the purpose of issuing bonds under this Act and former Acts relating to the company, to consider and treat the sidings, switches, or branch lines of railway, mentioned and referred to in the twenty-eighth section of an Act passed in the fortieth year of the reign of  
 10 Her Majesty Queen Victoria, and chaptered seventy-nine, or construed or to be construed under any statute of the Province of Ontario, authorising such construction, as part of the line of railway by the said statutes or any of them, authorised to be charged with a bonded debt; and, subject to the provis-  
 15 sions of this and former statutes relating to the company, may issue bonds in respect of the mileage thereof as if part of the main line of the railway: Provided always, that all such sidings, switches or branch lines joining the main line of the railway within the Towns of Stratford and Listowell, and between  
 20 those towns, shall be treated and considered as subject to the provisions of section twenty-five of the said Act, passed in the fortieth year of the reign of Her Majesty, Queen Victoria, and to the fifth and sixth sections of this Act, so that the bonds issued or to be issued under and by virtue of or confirmed by  
 25 the said sections or any of them, shall form charges, liens, and incumbrances upon the said sidings, switches or branch lines, as if part of the main line in the said towns, or between them, without however affecting the rank, preference and priority of such bonds, as between the two classes thereof and the holders  
 30 of each class.

8. It shall be lawful for the directors of the company, from time to time, with the assent of a majority of the holders of each class of the bonds of the company, to call in and cancel the bonds of the company issuing therefor, and in the place  
 35 and stead thereof, other bonds of the company, payable at the place or places, at the time or times and in the manner, and with such rate of interest as may be agreed on by the said majority and directors, either dividing the same into the two classes of first and second preference bonds, or allowing them,  
 40 if of the said two classes, to remain of such classes, or consolidating them, if of the said two classes, into one of the said classes of bonds, and delivering to the bondholders new bonds to the amount or amounts of the bonds so called in and cancelled, or to a greater or lesser amount, and of such of the said  
 45 two classes, or all of the one class as may be agreed on as aforesaid; and the company shall cease to be liable upon the bonds so called in and cancelled as aforesaid, where the holders thereof shall have delivered up the same to the said directors, and shall have received therefor and in the place and stead thereof  
 50 such new bonds as shall have been agreed upon as aforesaid; and, where the same shall not have been delivered up to the said directors, the bonds so retained shall, until cancelled and exchanged, form and rank as part of the new bond issued under the sanction of the said agreement, to the extent or amount  
 55 which, according to the terms of the said agreement, and as provided thereby, will be the equivalent of the bonds so retained, and, to that extent or amount, the holders of the bonds

Sidings,  
switches and  
branch lines  
declared sub-  
ject to lien of  
bonded debt.

Private call in,  
cancel and ex-  
change bonds  
of S. & H.  
Railway.



so retained shall hold the same precisely in all respects as if the bonds so retained had been exchanged for the said new bonds authorised by the said agreement, and as if they held the said last mentioned bonds and no others; and shall have and claim no further, greater or other right under and by virtue of the bonds so by them retained and held thereon if they had accepted and received the new bonds by the said majorities agreed to be substituted therefor: Provided always, that no new bonds by this section authorised to be issued and delivered shall be so issued or delivered except in substitution or exchange for bonds delivered up and cancelled as aforesaid; and that, in no case, shall the total bond issue exceed twelve thousand dollars per mile for each mile in length of the railway, including sidings, switches, or branch lines of the nature and kind mentioned in section seven of this Act.

Power to call  
n, cancel and  
exchange  
bonds of S. &  
H. and Pt. D.  
& L. H. Rail-  
way Com-  
panies, and of  
United Com-  
pany.

9. It shall be lawful for the directors of the united company, on the first occasion of the exercise of the powers by this section conferred with the assent of the majority of the holders of each class of the bonds of the Stratford and Huron Railway Company, and also by a majority of the holders of each class of the bonds of the Port Dover and Lake Huron Railway Company issued at any time before the united company shall be constituted, and at any time after the constitution of the united company, from time to time, to call in and cancel each of the said companies, or of the united company, issuing therefor and in the place and stead thereof, bonds of the united company, payable at the place or places, at the time or times, and in the manner, and with such rate of interest as may be agreed on, on the first occasion of the exercise of the powers by this section conferred, by the said majorities of the bondholders of each company, and the directors of the united company, and at any time thereafter with the assent of the said majorities of the bondholders of the united company and the directors thereof, either dividing the same into the two classes of first and second preference bonds, or allowing them, if of the said two classes, to remain of such classes or consolidating them, if of the said two classes, into one of the said classes of bonds, and delivering to the said bondholders bonds of the united company, to the amount or amounts of the bonds so called in and cancelled, or to a greater or lesser amount and of such of the said two classes or all of the one class as may be agreed on as aforesaid; and each of the said companies and the united company shall cease to be liable upon the bonds so called in and cancelled as aforesaid, when the holders thereof shall have delivered up the same to the directors of the united company, and shall have received therefor and in the place and stead thereof such new bonds as shall have been agreed upon as aforesaid; and, where the same shall not have been delivered up to the said directors, the bonds so retained shall, until cancelled and exchanged, form and rank as part of the said bond issue of the united company under the sanction of the said agreement, to the extent or amount which according to the terms of the said agreement and as provided thereby, will be the equivalent of the bonds so retained; and, to what extent or amount, the holders of the bonds so retained shall hold the same precisely in all respects as if the bonds so retained had been exchanged for the bonds of the united company sanctioned by the said agreement, and as if they had the said last mentioned bonds and no others, and shall have and

claim no further, greater, or other right under and by virtue of the bonds so by them retained and held than if they had accepted and received the new bonds by the said majorities agreed to be substituted therefor as aforesaid: provided always, that  
 5 no bonds of the united company, by this section authorized to be issued and delivered, shall be so issued or delivered except in substitution or exchange for bonds delivered up and cancelled as aforesaid: provided also, that the total bond issue of the  
 10 thousand dollars per mile for each mile in length of its railway, including sidings, switches, or branch lines of the nature and kind mentioned in section seven of this Act.

10. The special liens and the preferences and priorities con-  
 15 ferred by the twenty-fifth section of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, chap- tered seventy-nine, and by the sixth section of this Act, and referred to and mentioned in the fifth section thereof, upon the bonds of the company therein referred to, shall not be affected  
 20 or impaired by any exchange thereof under sections eight and nine of this Act or either of them; but the said special liens, preferences and priorities shall attach and belong to the bonds so, from time to time, issued in substitution or exchange, and shall be held engaged and exercised by the holders thereof and  
 25 of the bonds which are returned instead of being delivered up cancelled and exchanged, under the said sections eight and nine either *pari passu* and without preference or priority the one to the other, in case, under the said section eight and nine of this Act, the bonds at any time issued and delivered in sub-  
 30 stitution or exchange, or, by the agreement therein mentioned directed so to be, are all of the one class, or, observing and retaining the preferences and priorities of the classes of first and second preference bonds, in case at any time, by the said agree- ment, it is provided that the issue of bonds in substitution and  
 35 exchange shall be divided into the two classes of bonds.

Putting in, cancellation and exchange not to effect special liens under 40 Vic. cap. 79, sec. 25, and sec. 5 of this act.

11. It shall be lawful for the directors of the united company, with the assent of a majority in value of the shareholders pre-  
 sent at a special general meeting called for that purpose, and with the further assent of a majority of each class of the bond-  
 40 holders of the Stratford and Huron Railway Company, and a majority of each class of bondholders of the Port Dover and Lake Huron Railway Company, or, if the bonds of the last mentioned companies shall have been exchanged for bonds of the united company, or have become, under sections eight and  
 45 nine of this Act, part of a bond issue of the united company, the assent of a majority of each class of bondholders of the united company, at any time and from time to time, by resolu- tion, to declare that any bonds which shall be authorized to be issued under section nine of this Act in substitution and ex-  
 50 change for outstanding bonds shall be one form, in addition to the general liens, claims, charges and encumbrances created and granted by the statutes affecting each company, or the united company, the first and preferential claims, liens, charges and encumbrances upon the undertaking and property of the  
 55 united company, real and personal, and then existing, or at any time thereafter acquired, in the Town of Listowel and the Village of Port Dover, and between the said town and village, prior to and in preference of all other bonds thereafter to be

Power to de-  
 declare bonds of  
 united com-  
 pany a lien on  
 a portion of its  
 railway.



issued by the united company ; and when such resolution being passed by the said directors after such assent as aforesaid, the first bonds issued or to be issued in pursuance of such resolution, in substitution or exchange for outstanding bonds and the bonds retained, but, by the provisions of section nine of this 5 Act, forming part of the bond issue in substitution or exchange as aforesaid in the said resolution mentioned, shall, in addition to the general liens, charges and encumbrances created and granted by the statutes relating to either company or the united company, form and be taken and considered to be the first and 10 preferential liens, claims, charges and encumbrances upon the undertaking and property of the company, real and personal, and then existing and at any time thereafter acquired, in the said Town of Listowel and the Village of Port Dover and between the said town and village ; and each holder of any of 15 the bonds mentioned in the said resolution shall, in addition to all other the general powers, privileges and rights, by the statutes relating to either company or the united company conferred on bondholders, be deemed to be a mortgagee and an incumbrance pro rata with all the other holders of the said 20 bonds mentioned in said resolution and issued in substitution or exchange for outstanding bonds, under section nine of this Act ; and with the holders of the bonds retained, but, by the provisions of the said section nine, forming part of the bond issue in substitution or exchange as aforesaid in the said reso- 25 lution mentioned, upon the undertaking and property of the united company, real and personal, and at the time of the passing of the said resolution existing and at any time thereafter acquired, with said Town of Listowel and the Village of Port Dover and between the said town and village ; and, as between 30 the bonds issued under the said resolution and so issued in substitution or exchange or retained by the holders, but forming part of the bond issue in substitution or exchange, with said resolution mentioned as aforesaid, and the holders thereof and all other bonds which shall thereafter be issued by the united 35 company and the holders thereof, the former, (the bonds issued under the said resolution and so issued in substitution or exchange or retained by the holders, but forming part of the bond issue in substitution or exchange as aforesaid in the said resolution mentioned), shall take rank and priority and form 40 encumbrances, charges and liens upon the undertaking and property of the united company, real and personal, and at the time of passing the said resolution, existing and at any time thereafter acquired, in the said Town of Listowel and the said Village of Port Dover and between the said town and village, 45 immediately before and prior to all other bonds which shall thereafter be issued by the united company and not equally or simultaneously with them or any of them.

Priorities of  
bonds not to  
be effected  
thereby.

**12.** Nothing in the preceding section contained shall effect the rank, preference, or priority of the two classes of first and 50 second preference bonds, if the bonds so to be issued in substitution or exchange shall be of these two classes, as between such two classes of bonds and holders thereof ; but the special lien by preceding section granted to all such bonds shall attach thereto, and be held and enjoyed by the holders thereof accord- 55 ing to the rank, preference, and priority of the said two classes: Provided that the special lien conferred by the twenty-fifth section of an Act passed in the fortieth year of Her Majesty

Queen Victoria, and chaptered seventy-nine, and by section six of this Act, shall, on the passing of the said resolution merge in the special lien by the preceding section conferred.

**13.** In case the said United Company shall enter into an arrangement or lease with any other railway company, or companies, lawfully empowered to do so, for the leasing or working of the railway of the United Company, the bonds of the Stratford and Huron Railway Company, and of the Port Dover and Lake Huron Railway Company, if not then exchanged for, or, if then held as part of an issue of bonds of the United Company, under section nine of this Act, and the bonds of the United Company, shall, without registration or formal conveyance, be and be taken and considered to be, first and preferential claims and charges upon the rent or money in the nature of rent or any other monies which may be payable to the United Company, under any such lease or arrangement for securing the payment of the interest on such bonds, and of such portion of the principle thereof as may become due and payable during the term of such lease or arrangement: Provided always, that the rank, preference, and priority of first and second preference bonds and of the holders thereof, as between themselves and the said two classes of bonds, shall extend to this section and every matter and thing therein contained: Provided also, that each class of the bonds of each of the said companies, if not then exchanged for bonds of the United Company, or become part of the bonds of the United Company in substitution and exchange for outstanding bonds of either of the said companies under section nine of this Act, shall, as amongst all bonds of either of the two Companies of the same class, and the holders thereof, have rank, priority, and preference, equally and not, either wholly or in part, in priority the one to the other in respect of the preferential claims, charges or liens upon the rent or money in the nature of rent or any other moneys which may be payable to the United Company, under any such lease or arrangement aforesaid.

Bonds declare to form the first charge on rent.

**14.** Section seven of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, is hereby amended by inserting immediately after the words, "of subscription or," in the third line of such section, the words, "from them or their assigns," and by inserting immediately after the word "subscribers," in the sixth line thereof, the words, "or his assigns."

40 Vic. chap. 79, sec. 7, amended.

**15.** Any share or shares heretofore issued or allotted by the Company, as of the paid up capital of the Company, shall be deemed and taken to be paid up in full to all intents and purposes whatever, as fully and effectually as if the same had been fully paid for in money.

Confirmation of value of paid up stock.

**16.** Section nine of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, is hereby amended by adding thereto, immediately after the last words thereof, the words "and the rates and charges for carriages of all freight carried by the said company, or

40 Vic., cap 79, sec. 9 amended.

tendered to the said company for carriage, any thing in this or any former Act relating to the said companies or either of them to the contrary notwithstanding.'

36 Vic., cap.  
87, sec. 36 am-  
ended.

**17.** Section thirty-six of our Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, and chaptered eighty-seven, is hereby amended by striking out all that portion of the said section which precedes the words "to enter" in the the third line thereof, and substituting therefor the words following: "If at any special general meeting of the shareholders and bondholders of the said company called for that purpose, published and notified as prescribed by the provisions of the statutes affecting the said company relating to notices of meetings of shareholders, the majority in value of the members of such meeting consent thereto, it shall be lawful for the directors of the said company."

**18.** A certain agreement between the Corporation of the County of Perth and the Stratford and Huron Railway Company, bearing date the twenty-fourth day of November, one thousand eight hundred and seventy-four, in pursuance of a by-law of the Municipal Council of the County of Perth, numbered one hundred and ninety-one; a certain agreement between the corporation of the Town of Stratford and the company, bearing date the fourth day of January, one thousand eight hundred and seventy-seven, in pursuance of a by-law of the municipal council of the said town, numbered one hundred and seventy; a certain agreement between the corporation of the Township of Mornington and the company, bearing date the fourth day of January, one thousand eight hundred and seventy-seven, in pursuance of a by-law of the municipal council of the said township, numbered one hundred and ten; a certain agreement between the corporation of the Township of Elma and the company, bearing date the third day of February, one thousand eight hundred and seventy-seven, in pursuance of a by-law of the municipal council of the said Township of Elma, numbered one hundred and fifty two; and two certain agreements between the corporation of the Town of Listowel and the company, bearing date respectively the fourth day of January, one thousand eight hundred and seventy-seven, and the sixth day of April, one thousand eight hundred and seventy-seven, in pursuance of a by-law of the municipal council of the Town of Listowel, numbered seventy, are hereby declared to have been properly and lawfully entered into, and to have been and to be legally valid and binding.

Power to take  
material for  
construction or  
maintenance.

**19.** When stone, gravel, or any other material is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands as situate, for the purchase thereof, cause a provincial surveyor, to make a map and description of the property so required; and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring right of way, and the notice of the arbitrators, the award, and the tender of the compensation, shall have the same effect as in the case of arbitration for the right of way; and all the provisions of the Railway Act, as varied and modified by the special Acts relating to the said company, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties



from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

**20.** When said gravel, stone, or other materials shall be taken under the preceding sections of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which such material shall be found, whatever the distance may be; and all the provisions of the Railway Act, and of the special Acts relating to said company's Act, except such as relates to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which materials are situated; and such right may be acquired for a term of years or permanently as the company may think proper; and the powers in this and in the preceding sections may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Power to lay tracks to where material taken.

**21.** The fifth section of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, is hereby amended, by striking out the words, "and is or are subject to the authority of the Legislature of this Province," in the fourth and fifth lines thereof.

40 Vic. cap. 79, sec. 5 amended.

**22.** The fifteenth section of the last above-mentioned Act is hereby amended by inserting, immediately after the last word thereof, the words, "or in exchange or substitution therefor."

40 Vic. cap. 79, sec. 15 amended.

**23.** The first section of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, is hereby amended, by striking out the words, "through which the railway runs," in the tenth line thereof, and substituting therefor the words therein, "wherein some portion of the line of the said railway company is actually constructed."

40 Vic. cap. 79, sec. 1 amended.

**24.** A by law in the Township of Mornington, in the County of Perth, numbered one hundred and seventeen, entitled a by-law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of four thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon; and a by-law of the said township, numbered one hundred and eighteen, and entitled a by-law to aid and assist the Stratford and Huron Railway Company by granting thereto the sum of fifteen hundred dollars by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon, are hereby ratified and confirmed, and declared to be lawful, valid and binding.

By-laws Nos. 117 and 118 of Mornington confirmed.

**25.** All sections and parts of sections of the Act of the Legislature heretofore passed in reference to the company inconsistent with this Act, are hereby repealed.

Repealing clause.



Third Session, Third Parliament, 41 Vic. 1878.

BILL,

An Act respecting the Stratford and Huron  
Railway Company.

First Reading,	1878.
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(*PRIVATE BILL.*)

Mr.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Stratford and Huron Railway Company.

**W**HEREAS the Stratford and Huron Railway Company, <sup>Preamble.</sup>  
has petitioned that an Act may be passed to amend  
the several Acts, relating to the said company, and to extend  
the powers on it thereby conferred; and whereas, at a meeting  
5 of the shareholders of the said company, duly called for that  
purpose, holden on the twenty-sixth day of March, one thousand  
and eight hundred and seventy seven, the directors of the said  
company were, *under* and by virtue of the seventeenth section of  
an Act passed in the fortieth year of the reign of Her Majesty  
10 Queen Victoria, and chaptered seventy-nine, authorized to accept,  
enter into and execute a contract, then produced and approved  
with Messrs Fuller, Tisdale, Wright, and Clark, for the construction  
of the line of its railway, from the Town of Stratford, to the Town  
of Listowel, which said contract bears date  
15 the twenty-sixth day of March, one thousand eight hundred and  
seventy-seven: and whereas, at the said meeting, the said directors  
were authorized to divide the bond issue into first and second  
preference bonds, to limit the issue of first preference bonds  
to seven thousand five hundred and fourteen dollars, or  
20 its equivalent in sterling money of Great Britain, per mile, for  
each mile in length of the said railway, to *issue such first* preference  
bonds to the amount aforesaid, with coupons attached thereto for  
payment of interest thereon half-yearly, at the rate of six per centum  
per annum, the said bonds to be made payable  
25 to bearer in twenty years from the first day of July one thousand  
eight hundred and seventy-seven, in sterling money of Great Britain,  
at such place or places either in Great Britain or Canada, and of such  
denomination or denominations as the directors should determine, to  
*declare* that the first bonds issued by the  
30 said company to the amount of two hundred and two thousand  
eight hundred and seventy dollars or its equivalent in sterling money  
aforesaid should form, be taken, and considered to be the first and  
preferential claims and charges upon the undertaking and property of  
the company, real and personal, then existing, and at any time thereafter  
35 acquired, in the said Town of Stratford and the Town of Listowel,  
and between those places, prior to and in preference of all other bonds  
thereafter issued or to be issued by the said company: and whereas, at  
a meeting of the directors of the said company, duly called for that  
40 purpose, and *holden* on the twenty-sixth day of March, one thousand  
and eight hundred and seventy-seven, the said directors divided the  
said bond issue *into* first and second preference bonds, limiting the  
issue of the first preference bonds to seven thousand five hundred and  
fourteen dollars, or its equivalent in sterling  
45 ling money of Great Britain, per mile, for each mile in length

of the said railway, and declared that the first bonds issued or  
 to be issued by the said company, to the amount of two hundred  
 and two thousand eight hundred and seventy dollars, or its  
 equivalent in sterling money of Great Britain, should form, be  
 taken and considered to be the first and preferential claims and  
 charges upon the undertaking and property of the company,  
 real and personal, and then existing and at any time thereafter  
 acquired in the said Town of Stratford, and the said Town of  
 Listowel, and between these places: and whereas, at a meeting  
 of the said directors, holden on the fifth day of April, one  
 thousand eight hundred and seventy-seven, the said contract  
 of the said company, with Messrs. Clarke, Wright, Fuller, and  
 Tisdale, for the construction of the said line of railway, from  
 Stratford to Listowel was approved of by the said directors  
 and directed to be executed by the said company, and at the  
 same meeting the said directors authorized the president and  
 secretary and treasurer of the said company, to have prepared  
 and ready for issue first preference bonds, to the amount of  
 two hundred and two thousand eight hundred and seventy  
 dollars, or its equivalent in sterling money of Great Britain,  
 with proper coupons attached for payment of interest half-  
 yearly, at six per centum per annum, said bonds to be made  
 payable to bearer twenty years from the first day of July, one  
 thousand eight hundred and seventy-seven, in sterling money  
 of Great Britain, at such place or places in Great Britain or  
 Canada, and in such denomination or denominations as the  
 president and secretary and treasurer should see fit to designate  
 in such bonds, and to be numbered consecutively from one up-  
 wards, which action and resolution of the said directors were  
 confirmed and approved at a meeting of the said directors duly  
 called for that purpose, holden on the ninth day of April, one  
 thousand eight hundred and seventy-seven: and whereas at a  
 special general meeting of the shareholders of the said company,  
 duly called for that purpose, holden on the fourteenth day of  
 May, one thousand eight hundred and seventy-seven, the capital  
 stock of the said company *was* increased to the sum of two  
 hundred thousand dollars in all, and the said directors were  
 authorized to issue paid up stock and scrip therefor, to the  
 extent of one hundred and fifty thousand dollars, and deliver  
 the same to Messrs. Clark, Wright, Fuller and Tisdale, under  
 the statute of the last session according to the terms of the said  
 contract: and whereas, at a meeting of the said directors, duly  
 called for that purpose, and holden on the fourteenth day of  
 May, one thousand eight hundred and seventy-seven, the presi-  
 dent and treasurer were authorized to make payment of cash  
 and bonds and paid up stock, from time to time on the certifi-  
 cate of the engineer, in accordance with the contract made be-  
 tween the said company and the said contractors, for the con-  
 struction of the said line from Stratford to Listowel, and that  
 the president and secretary and treasurer should deliver such  
 paid up stock and scrip therefor, to the amount of one hundred  
 and fifty thousand dollars, according to the terms of the said  
 contract, to the said contractors Messrs. Clarke, Wright, Fuller  
 and Tisdale: and whereas, the said contract was duly executed  
 by the said company and the said Clarke, Wright, Fuller and  
 Tisdale: and whereas the said bonds, to the amount or extent  
 of two hundred and two thousand eight hundred and seventy  
 dollars, at the meeting of directors holden on the fifth day of  
 April, one thousand eight hundred and seventy-seven, ordered  
 to be prepared and issued, were so prepared and issued, and the



same were, to the amount or extent last aforesaid, in accordance with the authority of the said meeting of the said directors, holden on the fourteenth day of May, one thousand eight hundred and seventy-seven, delivered to the said Messrs. Clarke, Wright, Fuller and Tisdale, who had become entitled thereto in respect of the performance of the said contract: and whereas paid up stock, to the amount of one hundred and fifty thousand dollars, and scrip therefor were duly issued, allotted and delivered to the said Messrs. Clarke, Wright, Fuller and Tisdale, who had become entitled thereto under and by virtue of the said contract: and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In the construction of this Act, the words "The Company," shall mean the Stratford and Huron Railway Company; the words "The United Company," shall mean the one company and one corporation, by the corporate name assigned to it in an agreement mentioned in the eleventh section of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, and the company purchasing the railway property and rights of the other company, by the corporate name assigned to it in an agreement mentioned in the twelfth section of the last mentioned Act; and the words "The Railway," shall mean the railway of the Stratford and Huron Railway Company, and the words "*majority and majorities and two-thirds*," shall mean *majority and majorities and two-thirds in value* unless the context require a different interpretation of the words hereby interpreted.

Interpretation clause.

2. The action and the resolution of the shareholders and directors of the company respectively, as set out, described, and mentioned in above recitals thereof, are hereby confirmed, and are declared to have been, and to be legal, valid and binding, and the meetings aforesaid, whether of such shareholders or directors, are hereby declared to have been properly and lawfully called and held.

Action and resolution of shareholders and directors confirmed.

3. The contract between the company and Messrs. Clarke, Wright, Fuller, and Tisdale, in the above recital referred to, is hereby confirmed and declared valid and binding, and it is declared that the same was properly entered into, and that the paid up stock and bonds in the said recitals mentioned as issued, were properly and lawfully so issued, and that the same are respectively valid and binding.

Contract for construction of railway confirmed. Issue of bonds and paid up stock confirmed.

4. The allotment and delivery of the said paid up stock, and the delivery of the said bonds to the said Messrs. Clarke, Wright, Fuller, and Tisdale, as mentioned and set out in the said recitals, are hereby confirmed, and declared to have been, and to be lawful allotments and deliveries thereof respectively: and the said Messrs. Clarke, Wright, Fuller, and Tisdale, are hereby declared to hold the same respectively, with all the rights, privileges, and immunities conferred on shareholders whose shares have been fully paid up, and of bond holders, by this and all former Acts relating to the said company.

Allotment and delivery to contractors of paid up stock and bonds confirmed.

5. The said bonds are hereby declared to have been issued under and in pursuance of the twenty-fifth section of an Act

Bonds declared to be



under 40 Vic.  
cap. 79, sec. 25.

passed in the fortieth year of the reign of Her Majesty, Queen Victoria, and chaptered seventy-nine, and to be the bonds therein referred to, and to have the effect therein provided, and to confer on the holders thereof the powers, privileges, rights, liens, priorities and preferences mentioned in the said section, as if such bonds had then been issued and were expressly referred to and described therein as the first bonds issued by the company as therein provided, to the exclusion of all other bonds thereafter issued or to be issued. 5

Power to issue  
second prefer-  
ence bonds for  
\$121,500, un-  
der 40 Vic. cap.  
79, sec. 25.

6. The directors are hereby authorized and empowered, with the sanction of the shareholders first obtained at any special general meeting of the shareholders, duly called for that purpose, by resolution to declare that bonds hereafter issued by the company, for an amount not exceeding in the whole the sum of one hundred and twenty-one thousand and five hundred dollars, or its equivalent in sterling money of Great Britain, shall be, and form, and be taken and considered to be claims and charges upon the undertaking and the property of the company, real and personal, then existing and at any time thereafter acquired, in the said Town of Stratford, and the Town of Listowel, and between the said towns, subsequent and postponed to the bonds mentioned in the fifth section of this Act, and also to all bonds hereafter issued to redeem the bonds mentioned in the said fifth section or in renewal thereof, but prior to and in preference of all other bonds thereafter issued or to be issued by the company; and, upon such resolution being passed by the said directors after such sanction as aforesaid, the bonds thereafter issued or to be issued by the company, to the extent and amount mentioned in the said resolution, shall, in addition to the liens, claims, charges and encumbrances created and granted by the third, fourth and fifth sections of an Act passed in the reign of Her Majesty, Queen Victoria, and chaptered seventy-nine, form, and be taken and considered to be liens, claims and charges upon the undertaking and property of the company, real and personal, and then existing, and at any time thereafter acquired in the said Towns of Stratford and Listowell and between the said towns, prior to and in preference of all other bonds thereafter issued by the company, but subsequent and postponed to the bonds in the fifth section of this Act mentioned; and each holder of the bonds sanctioned by this section shall, in addition to all other powers, privileges and rights, be deemed to be a mortgagee and encumbrance, *pro rata* with all other holders of such last mentioned bonds, upon the undertaking and property of the company, real and personal, and then existing, and at any time thereafter acquired in the said Towns of Stratford and Listowel or between the said towns; and, as between the bonds authorized by this section and the holders thereof, and all other bonds which shall thereafter be issued by the company and the holders thereof, except the bonds in redemption or renewal of the bonds already issued as aforesaid and the holders thereof, the former, (the bonds authorized by this section), shall take rank and priority and form encumbrances, charges and liens upon the undertaking and property of the company, real and personal, and then existing, and at any time thereafter acquired in the Towns of Stratford and Listowel and between the said towns, immediately after the bonds mentioned in the fifth section of this Act, and immediately before and prior to all other 10 15 20 25 30 35 40 45 50 55

bonds which shall thereafter be issued by the company, except the bonds *issued* in redemption or renewal of the bonds already issued as aforesaid, and not equally or simultaneously with them or any of them.

5    7. The directors are hereby authorised for the purpose of issuing bonds under this Act and former Acts relating to the company, to consider and treat the sidings, switches, or branch lines of railway, *and each of them which shall be constructed under the provisions of the twenty-eighth section of an Act* 10 *passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, and any amendments thereof or which shall be constructed under any statute of the Province of Ontario, authorising such construction, as part of the line of railway by the said statutes or any of them, author-* 15 *ised to be charged with a bonded debt; and, subject to the provisions of this and former statutes relating to the company, may issue bonds in respect of the mileage thereof as if part of the main line of the railway: Provided always, that all such sid-* 20 *ings, switches or branch lines joining the main line of the rail-* 25 *way within the Towns of Stratford and Listowel, and between those towns, shall be treated and considered as subject to the provisions of section twenty-five of the said Act, passed in the fortieth year of the reign of Her Majesty, Queen Victoria, and to the fifth and sixth sections of this Act, so that the bonds* 30 *issued or to be issued under and by virtue of or confirmed by the said sections or any of them, shall form charges, liens, and encumbrances upon the said sidings, switches or branch lines, as if part of the main line in the said towns, or between them, without however affecting the rank, preference and priority of* 35 *such bonds, as between the two classes thereof and the holders of each class.*

Sidings,  
switches and  
branch lines  
declared sub-  
ject to lien of  
bonded debt.

8. It shall be lawful for the directors of the company, *at any time hereafter*, with the assent of *two thirds* of the holders of each class of the bonds of the company, *at such time issued*, to 35 *call in and cancel all the bonds of the company then issued and to issue therefor, and in the place and stead thereof, other bonds of the company, payable at the place or places, at the time or times and in the manner, and with such rate of interest as may be agreed on by the said two-thirds and directors,* 40 *and either to divide the bonds to be issued after such calling in and cancellation into the two classes of first and second preference bonds, or allowing them, if of the said two classes, to remain of such classes, or consolidate them, if of the said two classes, into one of the said classes of bonds, and deliver to the* 45 *bondholders where bonds have been so called in and cancelled, new bonds to the amount or amounts of the bonds so called in and cancelled, or to a greater or lesser amount, and of such of the said two classes, or all of the one class as may be agreed on as aforesaid; and the company shall cease to be liable upon the* 50 *bonds so called in and cancelled as aforesaid, where the holders thereof shall have delivered up the same to the said directors, and shall have received therefor and in the place and stead thereof such new bonds as shall have been agreed upon as aforesaid; and, where the same shall not have been delivered up to the* 55 *said directors, the bonds so retained shall, until cancelled and exchanged, form and rank as part of the new bond issue under the sanction of the said agreement, to the extent or amount*

Private call in,  
cancel and ex-  
change bonds  
of S. & H.  
Railway.

which, according to the terms of the said agreement, and as provided thereby, will be the equivalent of the bonds so retained, and, to that extent or amount, the holders of the bonds so retained shall hold the same precisely in all respects as if the bonds so retained had been exchanged for the said new bonds authorised by the said agreement, and as if they held the said last mentioned bonds and no others; and shall have and claim no further, greater or other rights under and by virtue of the bonds so by them retained and held *than* if they had accepted and received the new bonds by the said *two-thirds* agreed to be substituted therefor: Provided always, that no new bonds by this section authorised to be issued and delivered shall be so issued or delivered except in substitution or exchange for bonds delivered up and cancelled as aforesaid; and that, in no case, shall the total bond issue exceed twelve thousand dollars per mile for each mile in length of the railway, including sidings, switches, or branch lines of the nature and kind mentioned in section seven of this Act: *Provided also, and it is hereby declared to be the intention of this section, that the special powers to call in cancel and exchange the bonds of the Company by this section conferred on the Directors and two thirds of each class of bond-holders in this section mentioned, shall only be exercised once.*

Power to call in, cancel and exchange bonds of S. & H. and Pt. D. & L. H. Railway Companies, and of United Company.

9. It shall be lawful for the directors of the united company, *at any time after the constitution of the united company with the assent of two-thirds of the holders of each class of the bonds of the Stratford and Huron Railway Company, and also with the assent of two-thirds of the holders of each class of the bonds of the Port Dover and Lake Huron Railway Company issued at any time before the united company shall be constituted, to call in and cancel all the bonds of each of the said companies, then issued and to issue therefor and in the place and stead thereof, bonds of the united company, payable at the place or places, at the time or times, and in the manner, and with such rate of interest as may be agreed on, by the said two-thirds of the bondholders of each company, and the directors of the united company, and either to divide the bonds of the united company so to be issued into the two classes of first and second preference bonds, or allow them, if of the said two classes, to remain of such classes or consolidate them, if of the said two classes, into one of the said classes of bonds, and deliver to the bondholders where bonds have been so called in and cancelled, bonds of the united Company to the amount or amounts of the bonds so called in and cancelled, or to a greater or lesser amount and of such of the said two classes or all of the one class as may be agreed on as aforesaid; and each of the said companies and the united company shall cease to be liable upon the bonds so called in and cancelled as aforesaid, where the holders thereof shall have delivered up the same to the directors of the united company, and shall have received therefor and in the place and stead thereof such new bonds as shall have been agreed upon as aforesaid; and, where the same shall not have been delivered up to the said directors, the bonds so retained shall, until cancelled and exchanged, form and rank as part of the said bond issue of the united company under the sanction of the said agreement, to the extent or amount which according to the terms of the said agreement and as provided thereby, will be the equivalent of the bonds so retained; and, to that extent or amount, the holders of the bonds so retained*



shall hold the same precisely in all respects as if the bonds so retained had been exchanged for the bonds of the united company sanctioned by the said agreement, and as if they held the said last mentioned bonds and no others, and shall have and  
 5 claim no further, greater, or other rights under and by virtue of the bonds so by them retained and held than if they had accepted and received the new bonds by the said *two-thirds* agreed to be substituted therefor as aforesaid: provided always, that no bonds of the united company, by this section authorized to  
 10 be issued and delivered, shall be so issued or delivered except in substitution or exchange for bonds delivered up and cancelled as aforesaid: provided also, that the total bond issue of the united company may extend to but shall not exceed twelve thousand dollars per mile for each mile in length of its railway,  
 15 including sidings, switches, or branch lines of the nature and kind mentioned in section seven of this Act.

10. The special liens and the preferences and priorities conferred by the twenty-fifth section of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, chapter seventy-nine, and by the sixth section of this Act, and referred to and mentioned in the fifth section thereof, upon the bonds of the company therein referred to, shall not be affected or impaired by any exchange thereof under sections eight and nine of this Act or either of them; but the said special liens,  
 25 preferences and priorities shall attach and belong to the bonds *which may be* so issued in substitution or exchange, and shall be held, *enjoyed* and exercised by the holders thereof and of the bonds which are retained instead of being delivered up cancelled and exchanged, under the said sections eight and nine, *or*  
 30 *either of the said sections*, either *pari passu* and without preference or priority the one to the other, in case, under the said sections, eight and nine of this Act *or either of the said sections*, the bonds at any time issued and delivered in substitution or exchange, or, by the agreement therein mentioned directed so  
 35 to be, are all of the one class, or, observing and retaining the preferences and priorities of the classes of first and second preference bonds, in case by the said agreement, it is provided that the issue of bonds in substitution and exchange shall be divided into the two classes of bonds.

Putting in, cancellation and exchange not to effect special liens under 40 Vic. cap. 79, sec. 25, and sec. 5 of this act.

40 11. It shall be lawful for the directors of the united company, *at any time after the constitution of the united company* with the assent of *two-thirds* of each class of the bondholders of the Stratford and Huron Railway Company, and a majority of each class of bondholders of the Port Dover and Lake Huron Rail-  
 45 way Company, or, if the bonds of the last mentioned companies shall have been exchanged for bonds of the united company, or have become, under section nine of this Act, part of a bond issue of the united company, *then with* the assent of *two-thirds* of each class of bondholders of the united company, at any time  
 50 by resolution, to declare that any bonds which shall *have been* authorized to be issued under section nine of this Act in substitution and exchange for outstanding bonds, *and whether issued before or after the passing of such resolution* shall be, and form, in addition to the general liens, claims, charges and encum-  
 55 brances created and granted by the statutes affecting each company, or the united company, the first and preferential claims, liens, charges and encumbrances upon the undertaking and pro-

Power to declare bonds of united company a lien on a portion of its railway.



perty of the united company, real and personal, and then exist-  
 ing, or at any time thereafter acquired, in the Town of Listowel  
 and the Village of Port Dover, and between the said town and  
 village, prior to and in preference of all other bonds thereafter  
 to be issued by the united company; and *upon* such resolution  
 being passed by the said directors after such assent as aforesaid,  
 the bonds of the united company theretofore or thereafter issued  
 under the provisions of section nine of this Act, in substitution  
 or exchange for outstanding bonds and the bonds retained,  
 but, by the provisions of section nine of this Act, forming  
 part of the bond issue in substitution or exchange as aforesaid  
 in the said resolution mentioned, shall, in addition to the  
 general liens, *claims*, charges and encumbrances created and  
 granted by the statutes relating to either company or the united  
 company, form and be taken and considered to be the first and  
 preferential liens, claims, charges and encumbrances upon the  
 undertaking and property of the company, real and personal,  
 and then existing and at any time thereafter acquired, in the  
 said Town of Listowel and the Village of Port Dover and be-  
 tween the said town and village; and each holder of any of  
 the bonds mentioned in the said resolution shall, in addition to  
 all other the general powers, privileges and rights, by the sta-  
 tutes relating to either company or the united company confer-  
 red on bondholders, be deemed to be a mortgagee and an  
 encumbrancer pro rata with all the other holders of the said  
 bonds mentioned in the said resolution and issued in substitution  
 or exchange for outstanding bonds, under section nine of this  
 Act; and with the holders of the bonds retained, but, by the  
 provisions of the said section nine, forming part of the bond  
 issue in substitution or exchange as aforesaid in the said reso-  
 lution mentioned, upon the undertaking and property of the  
 united company, real and personal, and at the time of the pas-  
 sing of the said resolution existing and at any time thereafter  
 acquired, in said Town of Listowel and the said Village of Port  
 Dover and between the said town and village; and, as between  
 the bonds mentioned in the said resolution and so issued in sub-  
 stitution or exchange or retained by the holders, but forming  
 part of the bond issue in substitution or exchange as aforesaid  
 in said resolution mentioned, and the holders thereof and  
 all other bonds which shall thereafter be issued by the united  
 company and the holders thereof, the former, (the bonds men-  
 tioned in the said resolution and so issued in substitution or  
 exchange or retained by the holders, but forming part of the  
 bond issue in substitution or exchange as aforesaid in the said  
 resolution mentioned), shall take rank and priority and form  
 encumbrances, charges and liens upon the undertaking and  
 property of the united company, real and personal, and at the  
 time of passing the said resolution, existing and at any time  
 thereafter acquired, in the said Town of Listowel and the said  
 Village of Port Dover and between the said town and village,  
 immediately before and prior to all other bonds which shall  
 thereafter be issued by the united company and not equally or  
 simultaneously with them or any of them.

Priorities of  
 bonds not to  
 be effected  
 thereby.

**12.** Nothing in the preceding section contained shall affect the  
 rank, preference, or priority of the two classes of first and second  
 preference bonds, if the bonds so *issued* or to be issued in sub-  
 stitution or exchange shall be of those two classes, as between  
 such two classes of bonds and the holders thereof; but the special

lien by *the* preceding section granted to all such bonds shall attach thereto, and be held and enjoyed by the holders thereof according to the rank, preference, and priority of the said two classes of bonds: Provided that the special lien conferred by the twenty-fifth section of an Act passed in the fortieth year of Her Majesty Queen Victoria, and chaptered seventy-nine, and by section six of this Act, shall, on the passing of the resolution in *the preceding section mentioned* merge in the special lien by the preceding section conferred.

- 10 **13.** In case the United Company shall enter into an arrangement or lease with any other railway company, or companies, lawfully empowered to do so, for the leasing or working of the railway of the United Company, the bonds of the Stratford and Huron Railway Company, and of the Port Dover and Lake Huron Railway Company, if not then exchanged for, or, if then held as part of an issue of bonds of the United Company, under section nine of this Act, and the bonds of the United Company, shall, without registration or formal conveyance, be and be taken and considered to be, first and preferential claims and charges upon the rent or money in the nature of rent or any other monies which may be payable to the United Company, under any such lease or arrangement for securing the payment of the interest on such bonds, and of such portion of the principal thereof as may become due and payable during the term of such lease or arrangement: Provided always, that the rank, preference, and priority of first and second preference bonds and of the holders thereof, as between themselves and the said two classes of bonds, shall extend to this section and every matter and thing herein contained: Provided also, that each class of the bonds of each of the said companies, if not then exchanged for bonds of the United Company, or become part of an issue of bonds of the United Company in substitution and exchange for outstanding bonds of either of the said companies under section nine of this Act, shall, as amongst all bonds of either of the two Companies of the same class, and the holders thereof, have rank, priority, and preference, equally and not, either wholly or in part, in priority the one to the other in respect of the preferential claims, charges and liens upon the rent or money in the nature of rent or any other moneys which may be payable to the United Company, under any such lease or arrangement aforesaid; and the special lien conferred by section twenty-five of the said Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, and the sixth section of this Act shall, if once created, subject the rank and preference of the two classes of bonds in said sections mentioned, apply to all rent or money in the nature thereof, and all other moneys which may be payable to the Company under any such lease or arrangement as is mentioned in section five of said chapter seventy-nine and the special lien conferred by section eleven of this Act shall, if once created, subject to the rank and preference of the two classes of bonds in said last mentioned section mentioned, apply to all rent or money in the nature thereof, and all other moneys which may be payable to the United Company under any such lease or arrangement as is mentioned in this section.

Bonds declare to form the first charge on rent.

**14.** Section seven of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seven-

40 Vic. chap. 79, sec. 7, amended.



ty-nine, is hereby amended by inserting immediately after the words, "of subscription or," in the third line of such section, the words, "from them or their assigns," and by inserting immediately after the word "subscribers," in the sixth line thereof, the words, "or his assigns."

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Confirmation  
of issue of  
paid up stock.

**15.** Any share or shares heretofore issued or allotted by the Company, as of the paid up capital of the Company, shall be deemed and taken to be paid up in full to all intents and purposes whatever, as fully and effectually as if the same had been fully paid for in money.

40 Vic., cap  
79, sec. 9 am  
ended.

**16.** Section nine of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, is hereby amended by adding thereto, immediately after the last words thereof, the words "and the rates and charges for carriage of all freight carried by the said company, or tendered to the said company for carriage, any thing in this or any former Act relating to the said companies or either of them to the contrary notwithstanding."

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36 Vic., cap  
87, sec. 36 am  
ended.

**17.** Section thirty-six of the Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, and chaptered eighty-seven, is hereby amended by striking out all that portion of the said section which precedes the words "to enter" in the third line thereof, and substituting therefor the words following: "If at any special general meeting of the shareholders and bondholders of the said company called for that purpose, published and notified as prescribed by the provisions of the statutes affecting the said company relating to notices of meetings of shareholders, the majority in value of the votes of the members of such meeting present in person or by proxy consent thereto, it shall be lawful for the directors of the said company," and by striking out the words "*in the Province of Ontario, whose line may connect with such road,*" in the fourth and fifth lines of the said section, and substituting therefor the words "*or Companies which is or are lawfully empowered to enter into such agreements.*"

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**18.** A certain agreement between the Corporation of the County of Perth and the Stratford and Huron Railway Company, bearing date the twenty-fourth day of November, one thousand eight hundred and seventy-four, in pursuance of a by-law of the Municipal Council of the County of Perth, numbered one hundred and ninety-one; a certain agreement between the corporation of the Town of Stratford and the company, bearing date the fourth day of January, one thousand eight hundred and seventy-seven, in pursuance of a by-law of the municipal council of the said town, numbered one hundred and seventy; a certain agreement between the corporation of the Township of Mornington and the company, bearing date the fourth day of January, one thousand eight hundred and seventy-seven, in pursuance of a by-law of the municipal council of the said township, numbered one hundred and ten; a certain agreement between the corporation of the Township of Elma and the company, bearing date the third day of February, one thousand eight hundred and seventy-seven, in pursuance of a by-law of the municipal council of the said Township of Elma, numbered one hundred and fifty two; and two certain agreements between

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the corporation of the Town of Listowel and the company, bearing date respectively the fourth day of January, one thousand eight hundred and seventy-seven, and the sixth day of April, one thousand eight hundred and seventy-seven, in pursuance of a by-law of the municipal council of the Town of Listowel, numbered seven, are hereby declared to have been properly and lawfully entered into, and to have been and to be legally valid and binding.

19. When stone, gravel, or any other material is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands *on which the same are situate*, for the purchase thereof, cause a provincial surveyor, to make a map and description of the property so required; and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the right of way, and the notice of the arbitrators, the award, and the tender of the compensation, shall have the same effect as in the case of arbitration for the right of way; and all the provisions of the Railway Act, as varied and modified by the special Acts relating to the said company, as to the service of the said notice, arbitration, compensation deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Power to take material for construction or maintenance.

20. When said gravel, stone, or other materials shall be taken under the preceding sections of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which such material shall be found, whatever the distance may be; and all the provisions of the Railway Act, and of the special Acts relating to said company's Act, except such as relates to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which materials are situated; and such right may be so acquired for a term of years or permanently as the company may think proper; and the powers in this and in the preceding section may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Power to lay tracks to where material taken.

21. The fifth section of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, is hereby amended, by striking out the words, "and is or are subject to the authority of the Legislature of this Province," in the fourth and fifth lines thereof.

40 Vic. cap. 79, sec. 5 amended.

22. The fifteenth section of the last above-mentioned Act is hereby amended by inserting, immediately after the last word thereof, the words, "or in exchange or substitution therefor."

40 Vic. cap. 79, sec. 15 amended.

23. The first section of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-



40 Vic. cap. 79, sec. 1 amended.




nine, is hereby amended, by striking out the words, "through which the railway runs," in the tenth line thereof, and substituting therefor the words therein, "wherein some portion of the line of the said railway company is actually constructed *or under construction.*"

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By-laws Nos.  
117 and 118 of  
Mornington  
confirmed.

**24.** A by law in the Township of Mornington, in the County of Perth, numbered one hundred and seventeen, entitled a by-law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of four thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon; and a by-law of the said township, numbered one hundred and eighteen, and entitled a by-law to aid and assist the Stratford and Huron Railway Company by granting thereto the sum of fifteen hundred dollars by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon,  and all debentures issued under them and each of them, shall be, and are hereby declared to be good, valid, legal, binding and effectual, and the said debentures and by-laws, and each and every of them shall be held to have been good, valid, legal and binding from the time of the issue and passing thereof respectively, any law, usage or custom to the contrary notwithstanding. 


Millbank  
Branch.

 **25.** That the Company may build or construct a branch, line, switch or siding from Millbank station on the line of the Company's Railway as now constructed to Millbank Village, in the County of Perth, under the provisions of section twenty-eight of the Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, without giving the notice in and by said section mentioned and required, as fully and effectually, and with the right to exercise and enjoy all the powers, rights, authorities and privileges by the said section conferred and granted, as if the said notice had been or should be given, and the Company shall submit the maps and plans indicating the location of such branch, line, siding or switch, to the Lieutenant-Governor in Council, and obtain his approval thereof, and upon such approval deposit such maps and plans in the Registry Office for the County of Perth, and such approval and deposit shall be a sufficient compliance with the provisions of said section twenty-eight in reference to the approval and deposit of such maps and plans.


Charter not to  
be forfeited  
for non-com-  
pletion.

 **26.** The failure of the Company to complete or to finish and put in operation any part of the line of railway it has been authorized or empowered to construct within the time or times now or hereafter limited for such purpose, shall not operate as a forfeiture of its charter, and notwithstanding such failure, the corporate existence and powers of the Company shall continue, except in so far as it relates to such portion of the line of the railway authorized as shall be unfinished within the time limited, or which shall be limited for that purpose.


Sec. 6 of 40  
Vic. chap. 79,

 **27.** The provisions of section six of the said Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, subject to any amend-


ments thereof heretofore or hereafter made, shall apply to any and all bonds which have been or shall hereafter be issued by the Company or the United Company: Provided always, that the total amount of the said bonds if those of the Company shall not exceed twelve thousand dollars per mile for each mile in length of the railway of the Company, and if those of the United Company, twelve thousand dollars for each mile in length of the railway of the United Company, in either case including sidings, switches, and branch lines, of the nature and kind mentioned in section seven of this Act, anything contained in said section six to the contrary notwithstanding.

 28. The Board of Directors shall have full power by resolution, by-law or otherwise, to enter into all contracts for appointing, engaging or hiring, officers and servants for the Company, including a Managing Director and Solicitor, to fix and pay out of the Company's money such sums by way of salary or other remuneration to any officer, employee or servant, at any time in the Company's service as to the Board may seem meet, and the Managing Director may be a member of the Board, notwithstanding he is paid, and any unpaid official or officer of the Company may be a member of the Board of Directors.


Directors have powers to make contracts, appointing officers of the board, &c.

 29. The said Company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law, in respect to such railway, to have been actually suffered: Provided always, that any such snow fences so erected shall be removed on or before the first day of April next following.

Snow-fences.

 30. If the special lien conferred by section eleven of this Act shall have once attached to any bonds of the United Company, such special lien shall attach to any and all bonds at any time, and from time to time thereafter issued by the United Company in re-issue or removal thereof, or in exchange therefor under the provisions of section twenty-seven of this Act, and section six of the said Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, in as full and ample a manner as such special lien attached to the bonds upon which such special lien first attached, subject, however, to the provisions of section twelve of this Act, in reference to the rank, preference and priority of the two classes of first and second preference bonds.


Provision in case special lien attach to bonds of the United Company.

 31. Section ten of said Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, is hereby amended, by inserting after the word "shareholders" in the third, eighth, thirteenth, sixteenth and nineteenth lines thereof the words, "and holders of bonds," and by striking out of the fifth line thereof the word "such," and inserting in such fifth line after the word "meetings" the words "of shareholders," and by inserting after the word "majority," in the ninth and twelfth lines thereof, the words "in


40 V. c. 79, s. 10 amended.

value," and by inserting after the words "votes of the," in the ninth line thereof, the words "of the members of such meeting present," and by striking out of the ninth and tenth lines thereof the words "shareholders attending the same."



40 V: c. 79,  
s. 16 amended.

 **32.** Section sixteen of said Act passed in the fortieth 5  
year of the reign of Her Majesty Queen Victoria, and chap-  
tered seventy-nine, is hereby amended by inserting after the  
word "shareholders," in the first line thereof, the words "and  
holders of bonds."

Lien of the  
Township of  
North  
Norwich.

 **33.** Nothing in this Act contained shall impair or affect 10  
the special lien of the Corporation of the Township of North  
Norwich, under the twenty-sixth section of the Act passed  
in the thirty-seventh year of the reign of Her Majesty Queen  
Victoria, and chaptered fifty-seven, and confirmed by the special  
Act passed during this present session respecting the same. 15

Inconsistent  
enactments  
repealed.

 **34.** All sections and parts of sections of the Acts of  
the Legislature heretofore passed, in reference to the Company,  
inconsistent with this Act, are hereby repealed. 

3rd Session, 3rd Parliament, 41 Vic. 1878.

## BILL.

An Act respecting the Stratford and Huron  
Railway Company.

*(Reprinted as Amended.)*

First Reading, 29th January, 1878.

*(PRIVATE BILL.)*

MR. HAY.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.



An Act respecting the Stratford and Huron Railway Company.

WHEREAS the Stratford and Huron Railway Company, <sup>Preamble.</sup>  
has petitioned that an Act may be passed to amend  
the several Acts, relating to the said company, and to extend  
the powers on it thereby conferred; and whereas, at a meeting  
5 of the shareholders of the said company, duly called for that  
purpose, holden on the twenty-sixth day of March, one thousand  
and eight hundred and seventy seven, the directors of the said  
company were, *under* and by virtue of the seventeenth section of  
an Act passed in the fortieth year of the reign of Her Majesty  
10 Queen Victoria, and chaptered seventy-nine, authorized to accept,  
enter into and execute a contract, then produced and approved  
with Messrs Fuller, Tisdale, Wright, and Clark, for the construction  
of the line of its railway, from the Town of Stratford, to the Town  
of Listowel, which said contract bears date  
15 the twenty-sixth day of March, one thousand eight hundred and  
seventy-seven: and whereas, at the said meeting, the said directors  
were authorized to divide the bond issue into first and second  
preference bonds, to limit the issue of first preference bonds  
to seven thousand five hundred and fourteen dollars, or its  
equivalent in sterling money of Great Britain, per mile, for  
20 each mile in length of the said railway, to *issue such first*  
preference bonds to the amount aforesaid, with coupons attached  
thereto for payment of interest thereon half-yearly, at the rate  
of six per centum per annum, the said bonds to be made payable  
to bearer in twenty years from the first day of July one thousand  
25 eight hundred and seventy-seven, in sterling money of Great  
Britain, at such place or places either in Great Britain or Canada,  
and of such denomination or denominations as the directors  
should determine, to *declare* that the first bonds issued by the  
said company to the amount of two hundred and two thousand  
30 eight hundred and seventy dollars or its equivalent in sterling  
money aforesaid should form, be taken, and considered to be  
the first and preferential claims and charges upon the undertaking  
and property of the company, real and personal, then existing,  
and at any time thereafter acquired, in the said Town of  
35 Stratford and the Town of Listowel, and between those places,  
prior to and in preference of all other bonds thereafter issued  
or to be issued by the said company: and whereas, at a meeting  
of the directors of the said company, duly called for that  
purpose, and *holden* on the twenty-sixth day of March, one thousand  
40 and eight hundred and seventy-seven, the said directors divided  
the said bond issue *into* first and second preference bonds,  
limiting the issue of the first preference bonds to seven thousand  
five hundred and fourteen dollars, or its equivalent in sterling  
money of Great Britain, per mile, for each mile in length



of the said railway, and declared that the first bonds issued or  
to be issued by the said company, to the amount of two hundred  
and two thousand eight hundred and seventy dollars, or its  
equivalent in sterling money of Great Britain, should form, be  
taken and considered to be the first and preferential claims and  
charges upon the undertaking and property of the company,  
real and personal, and then existing and at any time thereafter  
acquired in the said Town of Stratford, and the said Town of  
Listowel, and between these places: and whereas, at a meeting  
of the said directors, holden on the fifth day of April, one  
thousand eight hundred and seventy-seven, the said contract  
of the said company, with Messrs. Clarke, Wright, Fuller, and  
Tisdale, for the construction of the said line of railway, from  
Stratford to Listowel was approved of by the said directors  
and directed to be executed by the said company, and at the  
same meeting the said directors authorized the president and  
secretary and treasurer of the said company, to have prepared  
and ready for issue first preference bonds, to the amount of  
two hundred and two thousand eight hundred and seventy  
dollars, or its equivalent in sterling money of Great Britain,  
with proper coupons attached for payment of interest half-  
yearly, at six per centum per annum, said bonds to be made  
payable to bearer twenty years from the first day of July, one  
thousand eight hundred and seventy-seven, in sterling money  
of Great Britain, at such place or places in Great Britain or  
Canada, and in such denomination or denominations as the  
president and secretary and treasurer should see fit to designate  
in such bonds, and to be numbered consecutively from one up-  
wards, which action and resolution of the said directors were  
confirmed and approved at a meeting of the said directors duly  
called for that purpose, holden on the ninth day of April, one  
thousand eight hundred and seventy-seven: and whereas at a  
special general meeting of the shareholders of the said company,  
duly called for that purpose, holden on the fourteenth day of  
May, one thousand eight hundred and seventy-seven, the capital  
stock of the said company *was* increased to the sum of two  
hundred thousand dollars in all, and the said directors were  
authorized to issue paid up stock and scrip therefor, to the  
extent of one hundred and fifty thousand dollars, and deliver  
the same to Messrs. Clark, Wright, Fuller and Tisdale, under  
the statute of the last session according to the terms of the said  
contract: and whereas, at a meeting of the said directors, duly  
called for that purpose, and holden on the fourteenth day of  
May, one thousand eight hundred and seventy-seven, the pre-  
sident and treasurer were authorized to make payment of cash  
and bonds and paid up stock, from time to time on the certifi-  
cate of the engineer, in accordance with the contract made be-  
tween the said company and the said contractors, for the con-  
struction of the said line from Stratford to Listowel, and that  
the president and secretary and treasurer should deliver such  
paid up stock and scrip therefor, to the amount of one hundred  
and fifty thousand dollars, according to the terms of the said  
contract, to the said contractors Messrs. Clarke, Wright, Fuller  
and Tisdale: and whereas, the said contract was duly executed  
by the said company and the said Clarke, Wright, Fuller and  
Tisdale: and whereas the said bonds, to the amount or extent  
of two hundred and two thousand eight hundred and seventy  
dollars, at the meeting of directors holden on the fifth day of  
April, one thousand eight hundred and seventy-seven, ordered  
to be prepared and issued, were so prepared and issued, and the

same were, to the amount or extent last aforesaid, in accordance with the authority of the said meeting of the said directors, holden on the fourteenth day of May, one thousand eight hundred and seventy-seven, delivered to the said Messrs. Clarke, Wright, Fuller and Tisdale, who had become entitled thereto in respect of the performance of the said contract: and whereas paid up stock, to the amount of one hundred and fifty thousand dollars, and scrip therefor were duly issued, allotted and delivered to the said Messrs. Clarke, Wright, Fuller and Tisdale, who had become entitled thereto under and by virtue of the said contract: and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In the construction of this Act, the words "The Company," shall mean the Stratford and Huron Railway Company; the words "The United Company," shall mean the one company and one corporation, by the corporate name assigned to it in an agreement mentioned in the eleventh section of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, and the company purchasing the railway property and rights of the other company, by the corporate name assigned to it in an agreement mentioned in the twelfth section of the last mentioned Act; and the words "The Railway," shall mean the railway of the Stratford and Huron Railway Company, and the words "*majority and majorities and two-thirds*," shall mean *majority and majorities and two-thirds in value* unless the context require a different interpretation of the words hereby interpreted.

Interpretation clause.

2. The action and the resolution of the shareholders and directors of the company respectively, as set out, described, and mentioned in above recitals thereof, are hereby confirmed, and are declared to have been, and to be legal, valid and binding, and the meetings aforesaid, whether of such shareholders or directors, are hereby declared to have been properly and lawfully called and held.

Action and resolution of shareholders and directors confirmed.

3. The contract between the company and Messrs. Clarke, Wright, Fuller, and Tisdale, in the above recital referred to, is hereby confirmed and declared valid and binding, and it is declared that the same was properly entered into, and that the paid up stock and bonds in the said recitals mentioned as issued, were properly and lawfully so issued, and that the same are respectively valid and binding.

Contract for construction of railway confirmed. Issue of bonds and paid up stock confirmed.

4. The allotment and delivery of the said paid up stock, and the delivery of the said bonds to the said Messrs. Clarke, Wright, Fuller, and Tisdale, as mentioned and set out in the said recitals, are hereby confirmed, and declared to have been, and to be lawful allotments and deliveries *thereof* respectively: and the said Messrs. Clarke, Wright, Fuller, and Tisdale, are hereby declared to hold the same respectively, with all the rights, privileges, and immunities conferred on shareholders whose shares have been fully paid up, and of bond holders, by this and all former Acts relating to the said company.

Allotment and delivery to contractors of paid up stock and bonds confirmed.

5. The said bonds are hereby declared to have been issued under and in pursuance of the twenty-fifth section of an Act

Bonds declared to be



under 40 Vic.  
cap. 79, sec. 25.

passed in the fortieth year of the reign of Her Majesty, Queen Victoria, and chaptered seventy-nine, and to be the bonds therein referred to, and to have the effect therein provided, and to confer on the holders thereof the powers, privileges, rights, liens, priorities and preferences mentioned in the said section, as if such bonds had then been issued and were expressly referred to and described therein as the first bonds issued by the company as therein provided, to the exclusion of all other bonds thereafter issued or to be issued. 5

Power to issue  
second prefer-  
ence bonds for  
\$121,500, un-  
der 40 Vic. cap.  
79, sec. 25.

6. The directors are hereby authorized and empowered, with the sanction of the shareholders first obtained at any special 01  
general meeting of the shareholders, duly called for that pur-  
pose, by resolution to declare that bonds hereafter issued by  
the company, for an amount not exceeding in the whole the  
sum of one hundred and twenty-one thousand and five hundred  
dollars, or its equivalent in sterling money of Great Britain, 15  
shall be, and form, and be taken and considered to be claims  
and charges upon the undertaking and the property of the  
company, real and personal, then existing and at any time  
thereafter acquired, in the said Town of Stratford, and the  
Town of Listowel, and between the said towns, subsequent 20  
and postponed to the bonds mentioned in the fifth section of  
this Act, and also to all bonds hereafter issued to redeem the  
bonds mentioned in the said fifth section or in renewal there-  
of, but prior to and in preference of all other bonds thereafter  
issued or to be issued by the company; and, upon such resolu- 25  
tion being passed by the said directors after such sanction as  
aforesaid, the bonds thereafter issued or to be issued by the  
company, to the extent and amount mentioned in the said re-  
solution, shall, in addition to the liens, claims, charges and en-  
cumbrances created and granted by the third, fourth and fifth 30  
sections of an Act passed in the reign of Her Majesty, Queen  
Victoria, and chaptered seventy-nine, form, and be taken and  
considered to be liens, claims and charges upon the undertak-  
ing and property of the company, real and personal, and then  
existing, and at any time thereafter acquired in the said Towns 35  
of Stratford and Listowell and between the said towns, prior  
to and in preference of all other bonds thereafter issued by the  
company, but subsequent and postponed to the bonds in the  
fifth section of this Act mentioned; and each holder of the  
bonds sanctioned by this section shall, in addition to all other 40  
powers, privileges and rights, be deemed to be a mortgagee and  
encumbrance, *pro rata* with all other holders of such last men-  
tioned bonds, upon the undertaking and property of the com-  
pany, real and personal, and then existing, and at any time  
thereafter acquired in the said Towns of Stratford and Listow- 45  
wel or between the said towns; and, as between the bonds au-  
thorized by this section and the holders thereof, and all other  
bonds which shall thereafter be issued by the company and the  
holders thereof, except the bonds in redemption or renewal of  
the bonds already issued as aforesaid and the holders thereof, 50  
the former, (the bonds authorized by this section), shall take  
rank and priority and form encumbrances, charges and liens  
upon the undertaking and property of the company, real and  
personal, and then existing, and at any time thereafter acquired  
in the Towns of Stratford and Listowel and between the said 55  
towns, immediately after the bonds mentioned in the fifth sec-  
tion of this Act, and immediately before and prior to all other

bonds which shall thereafter be issued by the company, except the bonds *issued* in redemption or renewal of the bonds already issued as aforesaid, and not equally or simultaneously with them or any of them.

5     7. The directors are hereby authorised for the purpose of issuing bonds under this Act and former Acts relating to the company, to consider and treat the sidings, switches, or branch lines of railway, *and each of them which shall be constructed under the provisions of the twenty-eighth section of an Act* 10 *passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, and any amendments thereof or which shall be constructed under any statute of the Province of Ontario, authorising such construction, as part of the line of railway by the said statutes or any of them, author-* 15 *ised to be charged with a bonded debt; and, subject to the provisions of this and former statutes relating to the company, may issue bonds in respect of the mileage thereof as if part of the main line of the railway: Provided always, that all such sid-* 20 *ings, switches or branch lines joining the main line of the railway within the Towns of Stratford and Listowel, and between those towns, shall be treated and considered as subject to the provisions of section twenty-five of the said Act, passed in the fortieth year of the reign of Her Majesty, Queen Victoria, and to the fifth and sixth sections of this Act, so that the bonds* 25 *issued or to be issued under and by virtue of or confirmed by the said sections or any of them, shall form charges, liens, and encumbrances upon the said sidings, switches or branch lines, as if part of the main line in the said towns, or between them, without however affecting the rank, preference and priority of* 30 *such bonds, as between the two classes thereof and the holders of each class.*

8. It shall be lawful for the directors of the company, *at any time hereafter, with the assent of two thirds of the holders of each class of the bonds of the company, at such time issued,* 35 *to call in and cancel all the bonds of the company then issued and to issue therefor, and in the place and stead thereof, other bonds of the company, payable at the place or places, at the time or times and in the manner, and with such rate of interest as may be agreed on by the said two-thirds and directors,* 40 *and either to divide the bonds to be issued after such calling in and cancellation into the two classes of first and second preference bonds, or allowing them, if of the said two classes, to remain of such classes, or consolidate them, if of the said two classes, into one of the said classes of bonds, and deliver to the* 45 *bondholders where bonds have been so called in and cancelled, new bonds to the amount or amounts of the bonds so called in and cancelled, or to a greater or lesser amount, and of such of the said two classes, or all of the one class as may be agreed on as aforesaid; and the company shall cease to be liable upon the* 50 *bonds so called in and cancelled as aforesaid, where the holders thereof shall have delivered up the same to the said directors, and shall have received therefor and in the place and stead thereof such new bonds as shall have been agreed upon as aforesaid; and, where the same shall not have been delivered up to the* 55 *said directors, the bonds so retained shall, until cancelled and exchanged, form and rank as part of the new bond issue under the sanction of the said agreement, to the extent or amount*

Sidings, switches and branch lines declared subject to lien of bonded debt.

Private call in, cancel and exchange bonds of S. & H. Railway.



which, according to the terms of the said agreement, and as provided thereby, will be the equivalent of the bonds so retained, and, to that extent or amount, the holders of the bonds so retained shall hold the same precisely in all respects as if the bonds so retained had been exchanged for the said new bonds authorised by the said agreement, and as if they held the said last mentioned bonds and no others; and shall have and claim no further, greater or other rights under and by virtue of the bonds so by them retained and held *than* if they had accepted and received the new bonds by the said *two-thirds* agreed to be substituted therefor: Provided always, that no new bonds by this section authorised to be issued and delivered shall be so issued or delivered except in substitution or exchange for bonds delivered up and cancelled as aforesaid; and that, in no case, shall the total bond issue exceed twelve thousand dollars per mile for each mile in length of the railway, including sidings, switches, or branch lines of the nature and kind mentioned in section seven of this Act: *Provided also, and it is hereby declared to be the intention of this section, that the special powers to call in cancel and exchange the bonds of the Company by this section conferred on the Directors and two thirds of each class of bond-holders in this section mentioned, shall only be exercised once.*

Power to call in, cancel and exchange bonds of S. & H. and Pt. D. & L. H. Railway Companies, and of United Company.

9. It shall be lawful for the directors of the united company, *at any time after the constitution of the united company with the assent of two-thirds of the holders of each class of the bonds of the Stratford and Huron Railway Company, and also with the assent of two-thirds of the holders of each class of the bonds of the Port Dover and Lake Huron Railway Company issued at any time before the united company shall be constituted, to call in and cancel all the bonds of each of the said companies, then issued and to issue therefor and in the place and stead thereof, bonds of the united company, payable at the place or places, at the time or times, and in the manner, and with such rate of interest as may be agreed on, by the said two-thirds of the bondholders of each company, and the directors of the united company, and either to divide the bonds of the united company so to be issued into the two classes of first and second preference bonds, or allow them, if of the said two classes, to remain of such classes or consolidate them, if of the said two classes, into one of the said classes of bonds, and deliver to the bondholders where bonds have been so called in and cancelled, bonds of the united Company to the amount or amounts of the bonds so called in and cancelled, or to a greater or lesser amount and of such of the said two classes or all of the one class as may be agreed on as aforesaid; and each of the said companies and the united company shall cease to be liable upon the bonds so called in and cancelled as aforesaid, where the holders thereof shall have delivered up the same to the directors of the united company, and shall have received therefor and in the place and stead thereof such new bonds as shall have been agreed upon as aforesaid; and, where the same shall not have been delivered up to the said directors, the bonds so retained shall, until cancelled and exchanged, form and rank as part of the said bond issue of the united company under the sanction of the said agreement, to the extent or amount which according to the terms of the said agreement and as provided thereby, will be the equivalent of the bonds so retained; and, to that extent or amount, the holders of the bonds so retained*

shall hold the same precisely in all respects as if the bonds so retained had been exchanged for the bonds of the united company sanctioned by the said agreement, and as if they held the said last mentioned bonds and no others, and shall have and claim no further, greater, or other rights under and by virtue of the bonds so by them retained and held than if they had accepted and received the new bonds by the said *two-thirds* agreed to be substituted therefor as aforesaid: provided always, that no bonds of the united company, by this section authorized to be issued and delivered, shall be so issued or delivered except in substitution or exchange for bonds delivered up and cancelled as aforesaid: provided also, that the total bond issue of the united company may extend to but shall not exceed twelve thousand dollars per mile for each mile in length of its railway, including sidings, switches, or branch lines of the nature and kind mentioned in section seven of this Act.

**10.** The special liens and the preferences and priorities conferred by the twenty-fifth section of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, chapter seventy-nine, and by the sixth section of this Act, and referred to and mentioned in the fifth section thereof, upon the bonds of the company therein referred to, shall not be affected or impaired by any exchange thereof under sections eight and nine of this Act or either of them; but the said special liens, preferences and priorities shall attach and belong to the bonds which may be so issued in substitution or exchange, and shall be held, enjoyed and exercised by the holders thereof and of the bonds which are retained instead of being delivered up cancelled and exchanged, under the said sections eight and nine, or either of the said sections, either *pari passu* and without preference or priority the one to the other, in case, under the said sections, eight and nine of this Act or either of the said sections, the bonds at any time issued and delivered in substitution or exchange, or, by the agreement therein mentioned directed so to be, are all of the one class, or, observing and retaining the preferences and priorities of the classes of first and second preference bonds, in case by the said agreement, it is provided that the issue of bonds in substitution and exchange shall be divided into the two classes of bonds.

Putting in, cancellation and exchange not to effect special liens under 40 Vic. cap. 79, sec. 25, and sec. 5 of this act.

**11.** It shall be lawful for the directors of the united company, at any time after the constitution of the united company with the assent of *two-thirds* of each class of the bondholders of the Stratford and Huron Railway Company, and a majority of each class of bondholders of the Port Dover and Lake Huron Railway Company, or, if the bonds of the last mentioned companies shall have been exchanged for bonds of the united company, or have become, under section nine of this Act, part of a bond issue of the united company, then with the assent of *two-thirds* of each class of bondholders of the united company, at any time by resolution, to declare that any bonds which shall have been authorized to be issued under section nine of this Act in substitution and exchange for outstanding bonds, and whether issued before or after the passing of such resolution shall be, and form, in addition to the general liens, claims, charges and encumbrances created and granted by the statutes affecting each company, or the united company, the first and preferential claims, liens, charges and encumbrances upon the undertaking and pro-

Power to declare bonds of united company a lien on a portion of its railway.



property of the united company, real and personal, and then exist-  
 ing, or at any time thereafter acquired, in the Town of Listowel  
 and the Village of Port Dover, and between the said town and  
 village, prior to and in preference of all other bonds thereafter  
 to be issued by the united company ; and *upon* such resolution 5  
 being passed by the said directors after such assent as aforesaid,  
 the *bonds of the united company theretofore or thereafter issued*  
*under the provisions of section nine of this Act*, in substitution  
 or exchange for outstanding bonds and the bonds retained,  
 but, by the provisions of section nine of this Act, forming 10  
 part of the bond issue in substitution or exchange as aforesaid  
 in the said resolution mentioned, shall, in addition to the  
 general liens, *claims*, charges and encumbrances created and  
 granted by the statutes relating to either company or the united  
 company, form and be taken and considered to be the first and 15  
 preferential liens, claims, charges and encumbrances upon the  
 undertaking and property of the company, real and personal,  
 and then existing and at any time thereafter acquired, in the  
 said Town of Listowel and the Village of Port Dover and be-  
 tween the said town and village ; and each holder of any of 20  
 the bonds mentioned in the said resolution shall, in addition to  
 all other the general powers, privileges and rights, by the sta-  
 tutes relating to either company or the united company confer-  
 red on bondholders, be deemed to be a mortgagee and an  
 encumbrancer pro rata with all the other holders of the said 25  
 bonds mentioned in the said resolution and issued in substitution  
 or exchange for outstanding bonds, under section nine of this  
 Act ; and with the holders of the bonds retained, but, by the  
 provisions of the said section nine, forming part of the bond  
 issue in substitution or exchange as aforesaid in the said reso- 30  
 lution mentioned, upon the undertaking and property of the  
 united company, real and personal, and at the time of the pas-  
 sing of the said resolution existing and at any time thereafter  
 acquired, *in* said Town of Listowel and the *said* Village of Port  
 Dover and between the said town and village ; and, as between 35  
 the bonds *mentioned* in the said resolution and so issued in sub-  
 stitution or exchange or retained by the holders, but forming  
 part of the bond issue in substitution or exchange *as afore-*  
*said in* said resolution mentioned, and the holders thereof and  
 all other bonds which shall thereafter be issued by the united 40  
 company and the holders thereof, the former, (the bonds *men-*  
*tioned in* the said resolution and so issued in substitution or  
 exchange or retained by the holders, but forming part of the  
 bond issue in substitution or exchange as aforesaid in the said  
 resolution mentioned), shall take rank and priority and form 45  
 encumbrances, charges and liens upon the undertaking and  
 property of the united company, real and personal, and at the  
 time of passing the said resolution, existing and at any time  
 thereafter acquired, in the said Town of Listowel and the said  
 Village of Port Dover and between the said town and village, 50  
 immediately before and prior to all other bonds which shall  
 thereafter be issued by the united company and not equally or  
 simultaneously with them or any of them.

Priorities of  
 bonds not to  
 be effected  
 thereby.

12. Nothing in the preceding section contained shall affect the  
 rank, preference, or priority of the two classes of first and second 55  
 preference bonds, if the bonds so *issued* or to be issued in sub-  
 stitution or exchange shall be of those two classes, as between  
 such two classes of bonds and *the* holders thereof ; but the special

lien by *the* preceding section granted to all such bonds shall attach thereto, and be held and enjoyed by the holders thereof according to the rank, preference, and priority of the said two classes of bonds: Provided that the special lien conferred by the

- 5 twenty-fifth section of an Act passed in the fortieth year of Her Majesty Queen Victoria, and chaptered seventy-nine, and by section six of this Act, shall, on the passing of the resolution in the preceding section mentioned merge in the special lien by the preceding section conferred.
- 10 **13.** In case the United Company shall enter into an arrangement or lease with any other railway company, or companies, lawfully empowered to do so, for the leasing or working of the railway of the United Company, the bonds of the Stratford and Huron Railway Company, and of the Port Dover and
- 15 Lake Huron Railway Company, if not then exchanged for, or, if then held as part of an issue of bonds of the United Company, under section nine of this Act, and the bonds of the United Company, shall, without registration or formal conveyance, be and be taken and considered to be, first and preferential claims
- 20 and charges upon the rent or money in the nature of rent or any other monies which may be payable to the United Company, under any such lease or arrangement for securing the payment of the interest on such bonds, and of such portion of the principal thereof as may become due and payable during
- 25 the term of such lease or arrangement: Provided always, that the rank, preference, and priority of first and second preference bonds and of the holders thereof, as between themselves and the said two classes of bonds, shall extend to this section and every matter and thing herein contained: Provided also, that
- 30 each class of the bonds of each of the said companies, if not then exchanged for bonds of the United Company, or become part of an issue of bonds of the United Company in substitution and exchange for outstanding bonds of either of the said companies under section nine of this Act, shall, as amongst all bonds
- 35 of either of the two Companies of the same class, and the holders thereof, have rank, priority, and preference, equally and not, either wholly or in part, in priority the one to the other in respect of the preferential claims, charges and liens upon the rent or money in the nature of rent or any other moneys which
- 40 may be payable to the United Company, under any such lease or arrangement aforesaid; and the special lien conferred by section twenty-five of the said Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, and the sixth section of this Act shall, if
- 45 once created, subject the rank and preference of the two classes of bonds in said sections mentioned, apply to all rent or money in the nature thereof, and all other moneys which may be payable to the Company under any such lease or arrangement as is mentioned in section five of said chapter seventy-nine and
- 50 the special lien conferred by section eleven of this Act shall, if once created, subject to the rank and preference of the two classes of bonds in said last mentioned section mentioned, apply to all rent or money in the nature thereof, and all other moneys which may be payable to the United Company under any such
- 55 lease or arrangement as is mentioned in this section.

Bonds declare  
to form the  
first charge  
on rent.

**14.** Section seven of an Act passed in the fortieth year of the reign of, Her Majesty Queen Victoria, and chaptered seven-

40 Vic: chap.  
79, sec. 7,  
amended.



ty-nine, is hereby amended by inserting immediately after the words, "of subscription or," in the third line of such section, the words, "from them or their assigns," and by inserting immediately after the word "subscribers," in the sixth line thereof, the words, "or his assigns."

Confirmation  
of issue of  
paid up stock.

**15.** Any share or shares heretofore issued or allotted by the Company, as of the paid up capital of the Company, shall be deemed and taken to be paid up in full to all intents and purposes whatever, as fully and effectually as if the same had been fully paid for in money.

40 Vic., cap  
79, sec. 9 am-  
ended,

**16.** Section nine of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, is hereby amended by adding thereto, immediately after the last words thereof, the words "and the rates and charges for carriage of all freight carried by the said company, or tendered to the said company for carriage, any thing in this or any former Act relating to the said companies or either of them to the contrary notwithstanding."

36 Vic., cap\*  
87, sec. 36 am-  
ended.

**17.** Section thirty-six of the Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, and chaptered eighty-seven, is hereby amended by striking out all that portion of the said section which precedes the words "to enter" in the third line thereof, and substituting therefor the words following: "If at any special general meeting of the shareholders and bondholders of the said company called for that purpose, published and notified as prescribed by the provisions of the statutes affecting the said company relating to notices of meetings of shareholders, the majority in value of the votes of the members of such meeting present in person or by proxy consent thereto, it shall be lawful for the directors of the said company," and by striking out the words "*in the Province of Ontario, whose line may connect with such road,*" in the fourth and fifth lines of the said section, and substituting therefor the words "*or Companies which is or are lawfully empowered to enter into such agreements.*"

**18.** A certain agreement between the Corporation of the County of Perth and the Stratford and Huron Railway Company, bearing date the twenty-fourth day of November, one thousand eight hundred and seventy-four, in pursuance of a by-law of the Municipal Council of the County of Perth, numbered one hundred and ninety-one; a certain agreement between the corporation of the Town of Stratford and the company, bearing date the fourth day of January, one thousand eight hundred and seventy-seven, in pursuance of a by-law of the municipal council of the said town, numbered one hundred and seventy; a certain agreement between the corporation of the Township of Mornington and the company, bearing date the fourth day of January, one thousand eight hundred and seventy-seven, in pursuance of a by-law of the municipal council of the said township, numbered one hundred and ten; a certain agreement between the corporation of the Township of Elma and the company, bearing date the third day of February, one thousand eight hundred and seventy-seven, in pursuance of a by-law of the municipal council of the said Township of Elma, numbered one hundred and fifty two; and two certain agreements between

the corporation of the Town of Listowel and the company, bearing date respectively the fourth day of January, one thousand eight hundred and seventy-seven, and the sixth day of April, one thousand eight hundred and seventy-seven, in pursuance of a by-law of the municipal council of the Town of Listowel, numbered seven, are hereby declared to have been properly and lawfully entered into, and to have been and to be legally valid and binding.

19. When stone, gravel, *earth or sand* is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands *on which the same are situate*, for the purchase thereof, cause a provincial surveyor, to make a map and description of the property so required; and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring *the* right of way, and the notice of the arbitrators, the award, and the tender of the compensation, shall have the same effect as in the case of arbitration for the right of way; and all the provisions of the Railway Act, as varied and modified by the special Acts relating to the said company, as to the service of the said notice, arbitration, compensation deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Power to take material for construction or maintenance

20. When said gravel, stone, *earth or sand* shall be taken under the preceding sections of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which such material shall be found, whatever the distance may be; and all the provisions of the Railway Act, and of the special Acts relating to said company's Act, except such as relates to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which materials are situated; and such right may be so acquired for a term of years or permanently as the company may think proper; and the powers in this and in the preceding section may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Power to lay tracks to where material taken.

(2.) In estimating the damage for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Act respecting Railways shall not apply.

21. The fifth section of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, is hereby amended, by striking out the words, "and is or are subject to the authority of the Legislature of this Province," in the fourth and fifth lines thereof.

40 Vic. cap. 79, sec. 5 amended.

22. The fifteenth section of the last above-mentioned Act is hereby amended by inserting, immediately after the last word thereof, the words, "or in exchange or substitution therefor."

40 Vic. cap. 79, sec. 15 amended.

40 Vic. cap.  
79, sec. 1  
amended.

**23.** The first section of an Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, is hereby amended, by striking out the words, "through which the railway runs," in the tenth line thereof, and substituting therefor the words therein, "wherein some portion of the line of the said railway company is actually constructed or under construction."

By-laws Nos.  
117 and 118 of  
Mornington  
confirmed.

**24.** A by law in the Township of Mornington, in the County of Perth, numbered one hundred and seventeen, entitled a by-law to aid and assist the Stratford and Huron Railway Company, by granting thereto the sum of four thousand dollars by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon; and a by-law of the said township, numbered one hundred and eighteen, and entitled a by-law to aid and assist the Stratford and Huron Railway Company by granting thereto the sum of fifteen hundred dollars by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon, and all debentures issued under them and each of them, shall be, and are hereby declared to be good, valid, legal, binding and effectual, and the said debentures and by-laws, and each and every of them shall be held to have been good, valid, legal and binding from the time of the issue and passing thereof respectively, any law, usage or custom to the contrary notwithstanding.

Millbank  
Branch.

**25.** That the Company may build or construct a branch, line, switch or siding from Millbank station on the line of the Company's Railway as now constructed to Millbank Village, in the County of Perth, under the provisions of section twenty-eight of the Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, without giving the notice in and by said section mentioned and required, as fully and effectually, and with the right to exercise and enjoy all the powers, rights, authorities and privileges by the said section conferred and granted, as if the said notice had been or should be given, and the Company shall submit the maps and plans indicating the location of such branch, line, siding or switch, to the Lieutenant-Governor in Council, and obtain his approval thereof, and upon such approval deposit such maps and plans in the Registry Office for the County of Perth, and such approval and deposit shall be a sufficient compliance with the provisions of said section twenty-eight in reference to the approval and deposit of such maps and plans.

Charter not to  
be forfeited  
for non-com-  
pletion.

**26.** The failure of the Company to complete or to finish and put in operation any part of the line of railway it has been authorized or empowered to construct within the time or times now or hereafter limited for such purpose, shall not operate as a forfeiture of its charter, and notwithstanding such failure, the corporate existence and powers of the Company shall continue, except in so far as it relates to such portion of the line of the railway authorized as shall be unfinished within the time limited, or which shall be limited for that purpose.



- 27.** The provisions of section six of the said Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, subject to any amendments thereof heretofore or hereafter made, shall apply to any and all bonds which have been or shall hereafter be issued by the Company or the United Company: Provided always, that the total amount of the said bonds if those of the Company shall not exceed twelve thousand dollars per mile for each mile in length of the railway of the Company, and if those of the United Company, twelve thousand dollars for each mile in length of the railway of the United Company, in either case including sidings, switches, and branch lines, of the nature and kind mentioned in section seven of this Act, anything contained in said section six to the contrary notwithstanding.
- 28.** The Board of Directors shall have full power by resolution, by-law or otherwise, to enter into all contracts for appointing, engaging or hiring, officers and servants for the Company, including a Managing Director and Solicitor, to fix and pay out of the Company's money such sums by way of salary or other remuneration to any officer, employee or servant, at any time in the Company's service as to the Board may seem meet, and the Managing Director may be a member of the Board, notwithstanding he is paid, and any unpaid official or officer of the Company may be a member of the Board of Directors.
- 29.** The said Company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law, in respect to such railway, to have been actually suffered: Provided always, that any such snow fences so erected shall be removed on or before the first day of April next following.
- 30.** If the special lien conferred by section eleven of this Act shall have once attached to any bonds of the United Company, such special lien shall attach to any and all bonds at any time, and from time to time thereafter issued by the United Company in re-issue or removal thereof, or in exchange therefor under the provisions of section twenty-seven of this Act, and section six of the said Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, in as full and ample a manner as such special lien attached to the bonds upon which such special lien first attached, subject, however, to the provisions of section twelve of this Act, in reference to the rank, preference and priority of the two classes of first and second preference bonds.
- 31.** Section ten of said Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, is hereby amended, by inserting after the word "shareholders" in the third, eighth, thirteenth, sixteenth and nineteenth lines thereof the words, "and holders of bonds," and by striking out of the fifth line thereof the word "such," and inserting in such fifth line after the word "meetings" the

Sec. 6 of 40  
Vic. chap. 79,  
applied to sub-  
sequent bonds

Directors have  
powers to  
make con-  
tracts, ap-  
pointing offi-  
cers of the  
board, &c.

Snow-fences.


Provision in  
case special  
lien attach to  
bonds of the  
United Com-  
pany.

40 V. c. 79,  
s. 10 amended.




words "of shareholders," and by inserting after the word "majority," in the ninth and twelfth lines thereof, the words "in value," and by inserting after the words "votes of the," in the ninth line thereof, the words "of the members of such meeting present," and by striking out of the ninth and tenth lines thereof the words "shareholders attending the same." 5



V. c. 79,  
s. 16 amended.

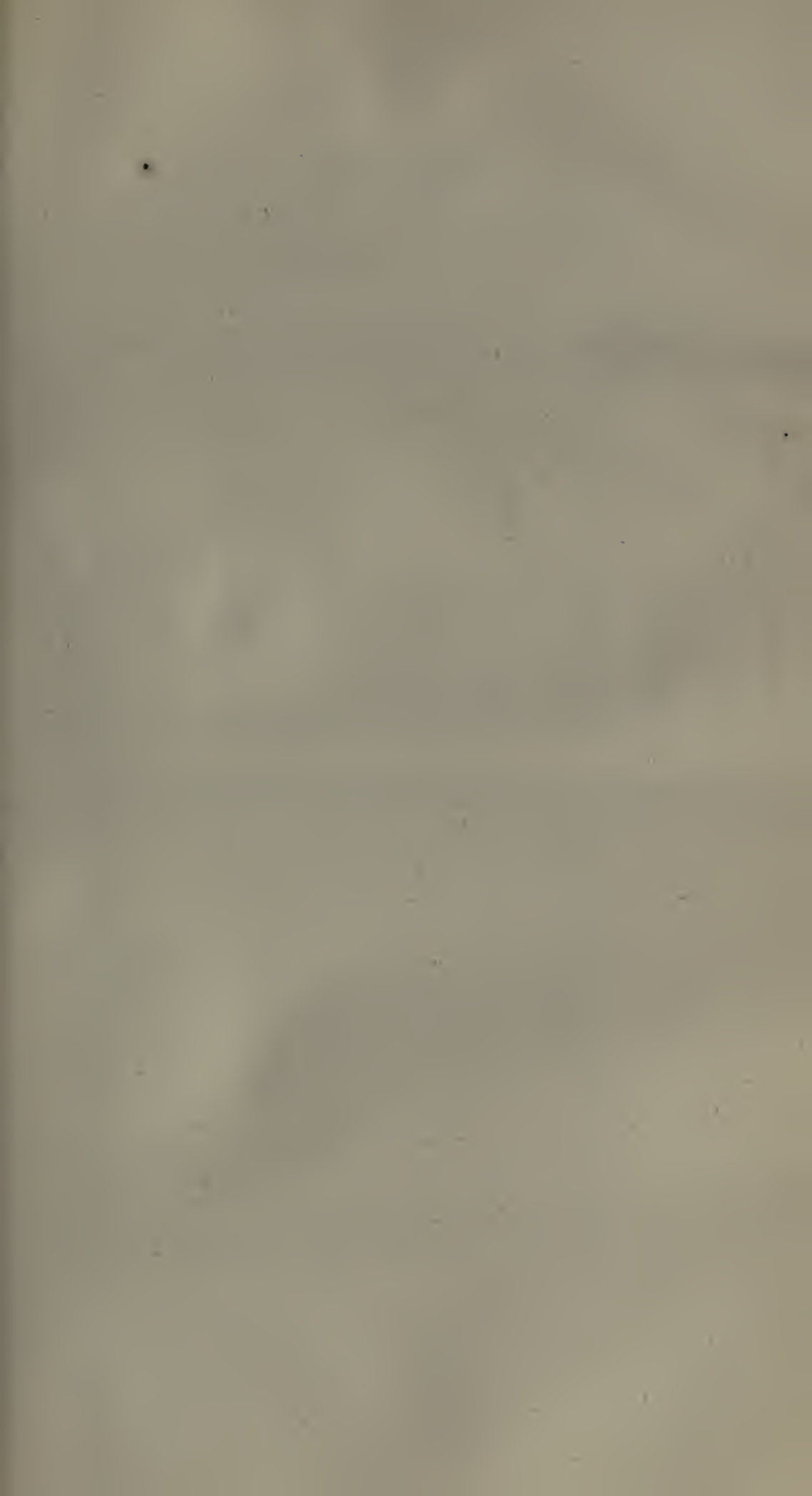
 **32.** Section sixteen of said Act passed in the fortieth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-nine, is hereby amended by inserting after the word "shareholders," in the first line thereof, the words "and holders of bonds." 10

Lien of the  
Township of  
North  
Norwich.

 **33.** Nothing in this Act contained shall impair or affect the special lien of the Corporation of the Township of North Norwich, under the twenty-sixth section of the Act passed in the thirty-seventh year of the reign of Her Majesty Queen Victoria, and chaptered fifty-seven, and confirmed by the special Act passed during this present session respecting the same. 15

Inconsistent  
enactments  
repealed.

 **34.** All sections and parts of sections of the Acts of the Legislature heretofore passed, in reference to the Company, inconsistent with this Act, are hereby repealed.  20



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Third Session, Third Parliament, 41 Vic., 1878.

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BILL.

An Act respecting the Stratford and Huron  
Railway Company.

*(Reprinted as Amended.)*

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First Reading, 29th January, 1878.

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*(PRIVATE BILL.)*

Mr HAY.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.



## An Act respecting the National Club.

**W**HEREAS in conformity with the provisions of an Act Preamble. passed by the Parliament of the Province of Ontario, in the Thirty-seventh year of the reign of Her Majesty and chaptered thirty-four, the declaration therein mentioned was  
 5 duly made, endorsed and filed, it being intended thereby to incorporate the persons who signed such declaration, their associates and successors as a body corporate and politic under the name of "The National Club;" and whereas the said club thereupon went into operation, and in further conformity with said  
 10 Act, made by-laws, rules and regulations for the government and conduct of the affairs of the club; and whereas doubts have arisen as to the extent of the liability of members of the said club under the said Act, and the hereinafter mentioned persons have prayed to have the club reorganized, and the future li-  
 15 bility of members of the reorganization fixed, without prejudice to any existing liability of present members of the said club to creditors or otherwise; and whereas it is expedient to grant their prayer:—

Therefore Her Majesty, by and with the advice and consent  
 20 of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. William Arthurs, William Alexander, Alexander A. Allen, Incorporate and corporate name.  
 J. A. Boyd, Hugh Blain, Honourable Edward Blake, M.P.,  
 Alfred Baker, William A. Brock, James L. Blakie, J. L. Brodie,  
 25 William C. Beddome, John Burns, Lawrence Buchan, Ralph H. Burgess, G. W. Badgerow, William Badenach, Robert Barber, junior, Hon. Adam Crooks, Thomas Christie, F. W. Carrier, James H. Coyne, R. Carrie, Henry E. Caston, William W. Copp, George C. Casey, M.P., Wm. C. Cockshutt, Patrick G. Close,  
 30 William H. Cross, George T. Denison, John Downey, Thomas Davison, George H. Dartnell, Robert W. Elliott, Robert D. Ewing, John S. Ewart, William A. Foster, John W. Fletcher, Frederick Fenton, Honourable C. F. Fraser, John Gillespie, D. Galbraith, Honourable William P. Howland, C.B., William  
 35 H. Howland, Samuel R. Hart, Oliver A. Howland, James C. Hamilton, Honourable A. F. Hardy, Geo. Hutchinson, Bernard B. Hughes, John D. Irwin, A. S. Irving, Joseph Jackes, Salter M. Jarvis, Simeon H. Janes, William R. Johnson, Robert Kilgour, John Kay, Geo. Kerr, junior, Arthur B. Lee, George  
 40 Leslie, junior, D. Lewis, John Leys, Thomas Langton, James Loudon, Clarence W. Moberly, James Michie, George Murray, Kenneth Miller, W. George Mutton, Angus Morrison, F. W. Menes, J. H. Mason, H. Marling, Honourable William McDougall, C.B., George A. Mackenzie, William G. McWilliams, Peter  
 45 McCulloch, Honourable William McMaster, Samuel F. McMaster, Arthur R. McMaster, William F. McMaster, Peter D. Mc-

Kellar, William H. McNab, James Grant McDonald, William Barclay McMurrich, John Macdonald, M.P., F. McGaw, J. B. McQuestin, Horatio W. Nelson, Alexander Nairn, Lucius R. O'Brien, John D. Oliver, William T. O'Rielly, James Paterson, John F. Palmer, H. J. Palmer, George McLean Rose, William 5  
 Roaf, James R. Roaf, John Ross Robertson, Matthew Robins, Henry A. Reesor, Herbert Robinson, J. G. Robinson, James H. Richardson, M.D., Robert D. Richardson, John Smith, junior, Richard Snelling, John Shields, J. E. Smith, George B. Smith, Goldwin Smith, Larrat W. Smith, Hugh Scott, Bernard 10  
 Saunders, Robert W. Sutherland, Thomas C. Scoble, Daniel Spry, Thomas Saunders, Robert J. Tackaberry, George Taylor, John Tyrrel, Frederick Walker, Frederick H. Wright, M.D., Honourable S. C. Wood, Thomas Walmsley, Frederick Wyld, and such other persons as may hereafter become members of 15  
 the corporation hereby constituted, shall be, and are hereby declared to be a body politic and corporate in deed and in name, and by the name of "The National Club," and by that name shall have perpetual succession and a common seal, and shall have power from time to time to alter, renew, or 20  
 change such common seal at their pleasure, and shall by the same name from time to time, and at all times hereafter be able and capable to purchase, acquire, hold, possess, and enjoy, and to have, take, and receive, to them and their successors, to and for the actual occupation and use of the said corporation, any 25  
 lands, tenements and hereditaments and real or personal property within the City of Toronto, and the same release, sell, alienate and dispose of whensoever the said corporation may deem proper to do so, and by the same name shall and may be able and capable in law, to sue and be sued, implead, and im- 30  
 pleaded, answer, and be answered unto in any manner whatsoever.

Next general  
 meeting to  
 frame by-laws,  
 &c.

**2.** Within three months from the passing of this Act a general meeting shall be called by the persons named in the first section thereof upon one week's notice by letter, mailed to the 30  
 post office address of each, to adopt such constitution, rules, by-laws, and regulations as may be thought fit, touching the admission and expulsion of members, the election of officers, and the management and conduct generally of the affairs and concerns of the said club, in so far as they shall not be inconsistent with 35  
 the laws of this Province, provided always, that the corporation hereby may from time to time alter, repeal, and change such constitution, rules, by-laws or regulations in manner to be provided in such constitution, by-laws, rules or regulations.

Liabilities of  
 members.

**3.** No member of the corporation hereby created, shall be 40  
 liable for any of the debts incurred by the corporation hereby created, beyond the amount of the entrance fee and the annual subscription, or any portion thereof which may be due and unpaid by such member, and members of the corporation hereby 45  
 created, not being in arrears for entrance fee, subscription or otherwise, shall as such be wholly free from liability for any debt or engagement of the corporation hereby created, and members of the corporation hereby created, not in arrear may retire therefrom in the manner to be provided for by the constitution, by-laws, rules or regulations to be adopted or enacted 50  
 as aforesaid.

4. It shall be lawful for the corporation hereby created with the assent of the members as hereinafter provided for, to raise or borrow either upon mortgage of the real and personal property of their corporation, or by the issue of debentures secured thereon as hereinafter provided, or partly in one way and partly in the other, or otherwise such sums of money as they may deem necessary, not exceeding in the aggregate the sum of fifty thousand dollars.

Powers to borrow or mortgage, &c.

5. If it be decided to raise or borrow moneys upon mortgage, the said corporation are hereby authorised to execute a mortgage or mortgages upon their real and personal property, or either, or such portions thereof as they may see fit to secure the repayment of moneys borrowed and interest at the rate to be fixed as aforesaid in such way and manner as may have been agreed upon.

Powers to execute mortgages.

\* 6. If it be decided to raise moneys upon debentures, the said corporation may pledge and mortgage the real and personal property of the said corporation, or either thereof for the repayment of the moneys so borrowed and the interest thereon; such debentures may be payable to bearer, or to the order of any person, and shall pass and be transferable by delivery or endorsement thereof respectively; Provided always, that no money shall be raised by mortgage, debentures until the consent of the majority of the members of the corporation attending in person or represented by proxy, at a special meeting to be called for that purpose be first obtained, such special meeting to be called in the manner pointed out by the constitution, rules, and regulations for the calling of special meetings.

Moneys may be raised on debentures.

Proviso.

7. The corporation hereby created shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory notes made or endorsed, or any such bill of exchange drawn, accepted, or endorsed by the proper officers of the corporation to be designated in the said constitution or rules, and under the authority of the board of directors shall be binding on the said corporation; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said corporation affixed to such promissory note or bill of exchange, nor shall the officers be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors as herein provided for; Provided, however that nothing in this section shall be construed to authorize the said corporation to issue any notes or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank, and circulated as money.

Power to become parties to notes, &c.

Proviso.

8. The funds so raised shall be applied exclusively in the purchase, improvement, or erection or leasing of a club house, and dependencies and in furnishing the same or payment of debts incurred for that or other purposes of the corporation.

Disposal of funds raised by mortgages, &c.

9. Such payment may be made by depositing in any of the chartered banks in the City of Toronto, to the credit of the holder or holders of such share or shares, the amount of such share or shares, and of all dividends unpaid thereon, and depositing a notice to that effect in a letter post-paid, and deposited

Mode of payment.



in the post office at Toronto, addressed to the person who shall on the books of the corporation appear to be the owner of said shares at the post office address of such holder as stated in said books, and thereupon such share or shares shall *ipso facto* cease to exist.

5

Powers to  
wind up.

**10.** If at any time fifty or more members of the corporation hereby created shall deem it desirable to wind up the affairs of the said corporation it shall be lawful for them to call a special meeting of the members of the corporation to consider the advisability of winding up its affairs, provided the notice of such meeting stating distinctly the object thereof, be published in one or more of the daily newspapers published in the City of Toronto, once in each week for the four weeks next, prior to the holding of such meeting, and a notice also distinctly stating the object of such meeting be posted prepaid to the address of each member of the corporation as shewn on the books thereof, and if a majority of three-fourths in numbers of the members of the corporation present or represented by proxy resolve to wind up the affairs of the corporation it shall be the duty of the officers of the corporation to proceed forthwith to wind up the affairs thereof and for that purpose to sell and dispose of all the property and assets of the corporation subject to any lien or encumbrance (if any) existing thereon, and with the proceeds thereof to pay the debts and liabilities of the corporation and divide the surplus thereof *pro rata* amongst the members of the corporation.

Purchase of  
assets of origi-  
nal club.

**11.** The corporation hereby created may acquire by purchase for the exclusive use of the persons in the first section hereof named, and such others as may become members of the said corporation, all or any portion of the assets of the said original club.

Original club  
may wind up  
its affairs.

**12.** It shall be competent for the board of directors of said original club, and they are hereby empowered to wind up its affairs, and to sell or dispose of, at a valuation or otherwise, the assets of the said original club, and to apply the proceeds in payment of its debts, so far as the same will go, and in case of a deficiency between assets and liabilities to assess the members of the said original club for a proportionate sum or amount, and if need be to collect such assessment in the name of the secretary of the said original club at the time of winding up the same as aforesaid, or in any other legal manner: Provided always that prior to such sale or assessment a special general meeting of members of the said original club shall be called on two weeks notice stating the special purpose for which the meeting is summoned, mailed, prepaid, to the address of each member of the said original club as shewn by the books thereof, and a resolution authorizing such sale, the limit, of such assessment or both adopted by a majority of the members there present at a meeting so called as aforesaid shall be sufficient to warrant, and authority therefor, and shall be binding on all the members of the said original club.

Rights of  
creditors of  
original club  
protected.

**13.** Nothing herein contained shall prejudice or affect the rights of the creditors of the said original club as against the said original club or its members, nor shall this Act be interpreted to make the corporation hereby created liable for the debts of the said original club, or to extinguish the charter of the said original club.



BILL.

An Act respecting the National Club.

*(Corrected Copy.)*

First Reading,	1878.
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*(PRIVATE BILL.)*

Hon. Mr. FRASER.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.



## An Act respecting the National Club.

**W**HEREAS in conformity with the provisions of an Act Preamble.  
 passed by the Parliament of the Province of Ontario,  
 in the Thirty-seventh year of the reign of Her Majesty and  
 chaptered thirty-four, the declaration therein mentioned was  
 5 duly made, endorsed and filed, it being intended thereby to in-  
 corporate the persons who signed such declaration, their associ-  
 ates and successors as a body corporate and politic under the  
 name of "The National Club;" and whereas the said club there-  
 upon went into operation, and in further conformity with said  
 10 Act, made by-laws, rules and regulations for the government  
 and conduct of the affairs of the club; and whereas doubts have  
 arisen as to the extent of the liability of members of the said  
 club under the said Act, and the hereinafter mentioned persons  
 have prayed to have the club reorganized, and the future lia-  
 15 bility of members of the reorganization fixed, without prejudice  
 to any existing liability of present members of the said club to  
 creditors or otherwise; and whereas it is expedient to grant  
 their prayer:—

Therefore Her Majesty, by and with the advice and consent  
 20 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

1. William Arthurs, William Alexander, Alexander A. Allen, Incorporate and corporate name.  
 J. A. Boyd, T. H. Bull, Hugh Blain, Honourable Edward Blake,  
 M.P., Alfred Baker, William A. Brock, James L. Blakie, J. L.
- 25 Brodie, William C. Beddome, John Burns, Lawrence Buchan,  
 Ralph H. Burgess, G. W. Badgerow, William Badenach, Robert  
 Barber, junior, Hon. Adam Crooks, Thomas Christie, F. W.  
 Carrier, James H. Coyne, R. Carrie, Henry E. Caston, William W.  
 Copp, George E. Casey, M.P., Wm. C. Cockshutt, Patrick G. Close,
- 30 William H. Cross, George T. Denison, John Downey, Thomas  
 Davison, George H. Dartnell, Robert W. Elliott, Robert D.  
 Ewing, John S. Ewart, William A. Foster, John W. Fletcher,  
 Frederick Fenton, Honourable C. F. Fraser, John Gillespie,  
 D. Galbraith, Honourable William P. Howland, C.B., William
- 35 H. Howland, Samuel R. Hart, Oliver A. Howland, James C.  
 Hamilton, Honourable A. S. Hardy, Geo. Hutchinson, Bernard  
 B. Hughes, John D. Irwin, A. S. Irving, Joseph Jackes, Salter  
 M. Jarvis, Simeon H. Janes, William R. Johnson, Robert Kilgour,  
 John Kay, Geo. Kerr, junior, Arthur B. Lee, George Leslie,
- 40 junior, D. Lewis, John Leys, Thomas Langton, James Loudon,  
 Clarence W. Moberly, James Michie, George Murray, Kenneth  
 Miller, W. George Mutton, A. L. Millard, Angus Morrison, F. W.  
 Menet, J. H. Mason, H. Marling, Honourable William McDou-  
 gall, C.B., George A. Mackenzie, William G. McWilliams, Peter
- 45 McCulloch, Honourable William McMaster, Samuel F. McMas-  
 ter, Arthur R. McMaster, William F. McMaster, Peter D. Mc-

Kellar, William H. McNab, James Grant McDonald, William Barclay McMurrich, John Macdonald, M.P., T. McGaw, J. B. McQuestin, Horatio W. Nelson, Alexander Nairn, Lucius R. O'Brien, John D. Oliver, William T. O'Rielly, James Paterson, John F. Palmer, H. J. Palmer, George McLean Rose, William Roaf, James R. Roaf, John Ross Robertson, Matthew Robins, Henry A. Reesor, Herbert Robinson, J. G. Robinson, James H. Richardson, M.D., Robert D. Richardson, John Smith, junior, Richard Snelling, John Shields, J. E. Smith, George B. Smith, Goldwin Smith, Larrat W. Smith, Hugh Scott, Bernard Saunders, Robert W. Sutherland, Thomas C. Scoble, Daniel Spry, Thomas Saunders, Robert J. Tackaberry, George Taylor, John Tyrrel, Frederick Walker, Frederick H. Wright, M.D., Honourable S. C. Wood, Thomas Walmsley, Frederick Wyld, and such other persons as may hereafter become members of the corporation hereby constituted, shall be, and are hereby declared to be a body politic and corporate in deed and in name, and by the name of "The National Club," and shall by the same name from time to time, and at all times hereafter be able and capable to purchase, acquire, hold, possess, and enjoy, and to have, take, and receive, to them and their successors, to and for the actual occupation and use of the said corporation, any lands, tenements and hereditaments and real or personal property within the City of Toronto, and the same release, sell, alienate and dispose of whensoever the said corporation may deem proper to do so.

Next general meeting to frame by-laws, &c.

2. Within three months from the passing of this Act a general meeting of the persons named in the first section hereof shall be called by the secretary or directors of the said original club upon one week's notice by letter, mailed to the post office address of each *such person for the purpose of adopting* such constitution, rules, by-laws, and regulations as may be thought fit, touching the admission and expulsion of members, the election of officers, and the management and conduct generally of the affairs and concerns of the said club, in so far as they shall not be inconsistent with the laws of this Province, provided always, that the corporation hereby created may from time to time alter, repeal, and change such constitution, rules, by-laws or regulations in manner to be provided in such constitution, by-laws, rules or regulations.

Liabilities of members.

3. No member of the corporation hereby created, shall be liable for any of the debts incurred by the corporation hereby created, beyond the amount of the entrance fee and the annual subscription, or any portion thereof which may be due and unpaid by such member, and members of the corporation hereby created, not being in arrears for entrance fee, subscription or otherwise, shall as such be wholly free from liability for any debt or engagement of the corporation hereby created, and members of the corporation hereby created, not in arrear may retire therefrom in the manner to be provided for by the constitution, by-laws, rules or regulations to be adopted or enacted as aforesaid.

Powers to borrow or mortgage, &c.

4. It shall be lawful for the corporation hereby created with the assent of the members as hereinafter provided for, to raise or borrow either upon mortgage of the real and personal property of their corporation, or by the issue of debentures secured

thereon as hereinafter provided, or partly in one way and partly in the other, or otherwise such sums of money as they may deem necessary, not exceeding in the aggregate the sum of fifty thousand dollars.

5 **5.** If it be decided to raise or borrow moneys upon mortgage, the said corporation are hereby authorised to execute a mortgage or mortgages upon their real and personal property, or either, or such portions thereof as they may see fit to secure the repayment of moneys borrowed and interest at the rate to be fixed as aforesaid in such way and manner as may have been agreed upon.

Power to execute mortgages.

6. If it be decided to raise moneys upon debentures, the said corporation may pledge and mortgage the real and personal property of the said corporation, or either thereof for the repayment of the moneys so borrowed and the interest thereon; such debentures may be payable to bearer, or to the order of any person, and shall pass and be transferable by delivery or endorsement thereof respectively; Provided always, that no money shall be raised by mortgage, or debentures until the consent of the majority of the members of the corporation attending in person or represented by proxy, at a special meeting to be called for that purpose be first obtained, such special meeting to be called in the manner pointed out by the constitution, rules, and regulations for the calling of special meetings.

Moneys may be raised on debentures.

Proviso.

7. The corporation hereby created shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory notes made or endorsed, or any such bill of exchange drawn, accepted, or endorsed by the proper officers of the corporation to be designated in the said constitution or rules, and under the authority of the board of directors shall be binding on the said corporation; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said corporation affixed to such promissory note or bill of exchange, nor shall the officers be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors as herein provided for; Provided, however that nothing in this section shall be construed to authorize the said corporation to issue any notes or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank, and circulated as money.

Power to become parties to notes, &c.

Proviso.

8. The moneys so raised shall be applied exclusively in the purchase, improvement, or erection or leasing of a club house, and dependencies and in furnishing the same or payment of debts incurred for that or other proper purposes of the corporation.

Disposal of funds raised by mortgages, &c.

9. The corporation hereby created may acquire by purchase for its exclusive, all or any portion of the assets of the said original club.

Purchase of assets of original club.

10. It shall be competent for the board of directors of said original club, and they are hereby empowered to wind up its affairs, and to sell or dispose of, at a valuation or otherwise,

Original club may wind up its affairs.



the assets of the said original club, and to apply the proceeds in payment of its debts, so far as the same will go, and in case of a deficiency between assets and liabilities to assess the members of the said original club for a proportionate sum or amount *thereof*, and if need be to collect such assessment in the name of the *then* secretary of the said original club or in any other other legal manner : Provided always that prior to such sale or assessment a special general meeting of members of the said original club shall be called on two weeks notice stating the special purpose for which the meeting is summoned, mailed, prepaid, to the address of each member of the said original club as shewn by the books thereof, and a resolution authorizing such sale, the limit, of such assessment or both adopted by a majority of the members there present at a meeting so called as aforesaid, shall be sufficient warrant, and authority therefor, and shall be binding on all the members of the said original club.

Rights of  
creditors of  
original club

11. Nothing herein contained shall prejudice or affect the rights of the creditors of the said original club as against the said original club or its members, nor shall this Act be interpreted to make the corporation hereby created liable for the debts of the said original club, or to extinguish the charter or incorporation of the said original club.

Third Session, Third Parliament, 41 Vic., 1878.

## BILL.

An Act respecting the National Club.

(*Reprinted as Amended.*)

First Reading, 30th January, 1878.

(*PRIVATE BILL.*)

Hon. Mr. FRASER.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

## An Act respecting the National Club.

WHEREAS in conformity with the provisions of an Act Preamble.  
 passed by the Parliament of the Province of Ontario,  
 in the Thirty-seventh year of the reign of Her Majesty and  
 chaptered thirty-four, the declaration therein mentioned was  
 5 duly made, endorsed and filed, it being intended thereby to in-  
 corporate the persons who signed such declaration, their associ-  
 ates and successors as a body corporate and politic under the  
 name of "The National Club;" and whereas the said club there-  
 upon went into operation, and in further conformity with said  
 10 Act, made by-laws, rules and regulations for the government  
 and conduct of the affairs of the club; and whereas doubts have  
 arisen as to the extent of the liability of members of the said  
 club under the said Act, and the hereinafter mentioned persons  
 have prayed to have the club reorganized, and the future lia-  
 15 bility of members of the reorganization fixed, without prejudice  
 to any existing liability of present members of the said club to  
 creditors or otherwise; and whereas it is expedient to grant  
 their prayer:—

Therefore Her Majesty, by and with the advice and consent  
 20 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

1. William Arthurs, William Alexander, Alexander A. Allen, Incorporate and corporate name.  
 J. A. Boyd, T. H. Bull, Hugh Blain, Honourable Edward Blake,  
 M.P., Alfred Baker, William A. Brock, James L. Blakie, J. L.  
 25 Brodie, William C. Beddome, John Burns, Lawrence Buchan,  
*R. Heber Bowle, John Brown*, Ralph H. Burgess, G. W. Badge-  
 row, William Badenach, Robert Barber, junior, Hon. Adam  
 Crooks, Thomas Christie, F. W. Carrier, James H. Coyne, R.  
 Carrie, Henry E. Caston, William W. Copp, George E. Casey,  
 30 M.P., Wm. C. Cockshutt Patrick G. Close, William H. Cross,  
 George T. Denison, John Downey, Thomas Davison, George H.  
 Dartnell, Robert W. Elliott, Robert D. Ewing, John S. Ewart,  
 William A. Foster, John W. Fletcher, *J. R. Foster*, Frederick  
 Fenton, Honourable C. F. Fraser, John Gillespie, D. Galbraith,  
 35 Honourable William P. Howland, C.B., William H. Howland,  
 Samuel R. Hart, Oliver A. Howland, James C. Hamilton, Hon-  
 ourable A. S. Hardy, Geo. Hutchinson, Bernard B. Hughes,  
 John D. Irwin, A. S. Irving, Joseph Jackes, Salter M. Jarvis,  
 Simeon H. Janes, William R. Johnson, Robert Kilgour, John  
 40 Kay, Geo. Kerr, junior, Arthur B. Lee, George Leslie, junior,  
 D. Lewis, John Leys, Thomas Langton, James Loudon, *George*  
*Laidlaw, John Leask*, Clarence W. Moberly, James Michie,  
 George Murray, Kenneth Miller, W. George Mutton, A. L.  
 Millard, Angus Morrison, F. W. Menet, J. H. Mason, H. Marl-  
 45 ing, Honourable William McDougall, C.B., George A. Mac-

kenzie, William G. McWilliams, Peter McCulloch, Honourable William McMaster, Samuel F. McMaster, Arthur R. McMaster, William F. McMaster, *Hugh MacMahan, Q.C.*, Peter D. McKellar, William H. McNab, James Grant McDonald, William Barclay McMurrich, John Macdonald, M.P., T. McGaw, J. B. McQuestin, Horatio W. Nelson, Alexander Nairn, Lucius R. O'Brien, John D. Oliver, William T. O'Rielly, James Paterson, John F. Palmer, H. J. Palmer, George McLean Rose, William Roaf, James R. Roaf, John Ross Robertson, Matthew Robins, Henry A. Reesor, Herbert Robinson, J. G. Robinson, James H. Richardson, M.D., Robert D. Richardson, John Smith, junior, Richard Snelling, John Shields, J. E. Smith. George B. Smith, Goldwin Smith, Larrat W. Smith, Hugh Scott, Bernard Saunders, Robert W. Sutherland, Thomas C. Scoble, Daniel Spry, Thomas Saunders, Robert J. Tackaberry, George Taylor, John Tyrrel, Frederick Walker, Frederick H. Wright, M.D., Honourable S. C. Wood, Thomas Walmsley, Frederick Wyld, and such other persons as may hereafter become members of the corporation hereby constituted, shall be, and are hereby declared to be a body politic and corporate in deed and in name, and by the name of "The National Club," and shall by the same name from time to time, and at all times hereafter be able and capable to purchase, acquire, hold, possess, and enjoy, and to have, take, and receive, to them and their successors, to and for the actual occupation and use of the said corporation, any lands, tenements and hereditaments and real or personal property within the City of Toronto, and the same release, sell, alienate and dispose of whensoever the said corporation may deem proper to do so.

Next general meeting to frame by-laws, &c.

2. Within three months from the passing of this Act a general meeting of the persons named in the first section hereof shall be called by the secretary or directors of the said original club upon one week's notice by letter, mailed to the post office address of each *such person for the purpose of adopting* such constitution, rules, by-laws, and regulations as may be thought fit, touching the admission and expulsion of members, the election of officers, and the management and conduct generally of the affairs and concerns of the said club, in so far as they shall not be inconsistent with the laws of this Province, provided always, that the corporation hereby created may from time to time alter, repeal, and change such constitution, rules, by-laws or regulations in the manner to be provided in such constitution, by-laws, rules or regulations.

Liabilities of members.

3. No member of the corporation hereby created, shall be liable for any of the debts, *contracts or liabilities incurred, assumed or entered into*, by the said corporation, beyond the amount of the entrance fee and the annual subscription, or any portion thereof which may be due and unpaid by such member, and members of the corporation hereby created, not being in arrears for entrance fee, subscription or otherwise, shall as such be wholly free from liability for any debt, *liability, contract*, or engagement of the corporation hereby created, and members of the corporation hereby created, not in arrear may retire therefrom in the manner to be provided for by the constitution, by-laws, rules or regulations to be adopted or enacted as aforesaid.



4. It shall be lawful for the corporation hereby created with the assent of the members as hereinafter provided for, to raise or borrow either upon mortgage of the real and personal property of their corporation, or by the issue of debentures secured thereon as hereinafter provided, or partly in one way and partly in the other, or otherwise such sums of money as they may deem necessary, not exceeding in the aggregate the sum of fifty thousand dollars.

Powers to borrow or mortgage, &c.

5. If as provided by the next preceeding section of this Act, it be decided to raise or borrow moneys upon mortgage, the said corporation are hereby authorised to execute a mortgage or mortgages upon their real and personal property, or either, or such portions thereof as they may see fit to secure the repayment of moneys borrowed and interest at the rate to be fixed as aforesaid in such way and manner as may have been agreed upon.

Powers to execute mortgages.

6. If as provided by section four of this Act, it be decided to raise moneys upon debentures, the said corporation may pledge and mortgage the real and personal property of the said corporation, or either thereof for the repayment of the moneys so borrowed and the interest thereon; such debentures may be payable to bearer, or to the order of any person, and shall pass and be transferable by delivery or endorsement thereof respectively; Provided always, that no money shall be raised by mortgage, or debentures until the consent of the majority of the members of the corporation attending in person or represented by proxy, at a special meeting to be called for that purpose be first obtained, such special meeting to be called in the manner pointed out by the constitution, rules, and regulations for the calling of special meetings.

Moneys may be raised on debentures.

Proviso.

7. The corporation hereby created shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory notes made or endorsed, or any such bill of exchange drawn, accepted, or endorsed by the proper officers of the corporation to be designated in the said constitution or rules, and under the authority of the board of directors shall be binding on the said corporation; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said corporation affixed to such promissory note or bill of exchange, nor shall the said officers be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors as herein provided for; Provided, however that nothing in this section shall be construed to authorize the said corporation to issue any notes or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank, and circulated as money.

Power to become parties to notes, &c.

Proviso.

8. The moneys so raised shall be applied exclusively in the purchase, improvement, or erection or leasing of a club house, and dependencies and in furnishing the same or in payment of debts incurred therefor, or for the other proper purposes of the corporation.

Disposal of funds raised by mortgages, &c.

Purchase of  
assets of origi-  
nal club.

9. The corporation hereby created may acquire by purchase for *its exclusive use*, all or any portion of the assets of the said original club.

Original club  
may wind up  
its affairs.

10. It shall be competent for the board of directors of said original club, and they are hereby empowered to wind up its 5 affairs, and to sell or dispose of, at a valuation or otherwise,

the assets of the said original club, and to apply the proceeds in payment of its debts, so far as the same will go, and in case of a deficiency between assets and liabilities to assess the members of the said original club for a proportionate sum or am 10 amount *thereof*, and if need be to collect such assessment in the name of the *then* secretary of the said original club or in any other other legal manner : Provided always that prior to such sale or assessment a special general meeting of members of the said origi- 15 nal club shall be called on two weeks notice stating the special purpose for which the meeting is summoned, mailed, prepaid, to the address of each member of the said original club as shewn by the books thereof ; and a resolution authorizing such sale, the limit of such assessment or both adopted by a majority of the members there present at a meeting so called as aforesaid shall be 20 sufficient warrant, and authority therefor, and shall be binding on all the members of the said original club. ~~§~~ And provided moreover, that no member of said original club shall be liable for or to pay the amount of any assessment made under this section, unless irrespective of anything in this Act contain- 25 ed, the said members would be, either alone or with other members of said original club, liable for the debts of said original club. ~~§~~

Rights of  
creditors of  
original club

11. Nothing herein contained shall prejudice or affect the rights of the creditors of the said original club as against the 30 said original club or its members, nor shall this Act be interpreted to make the corporation hereby created liable for the debts of the said original club, or to extinguish the charter or incorporation of the said original club.

# BILL.

An Act respecting the National Club.

(Reprinted as Amended.)

First Reading, 29th January, 1878.

Second Reading, 11th February, 1878.

(PRIVATE BILL.)

Hon. Mr. FRASER.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

## An Act to incorporate the Toronto Stock Exchange.

WHEREAS Henry Pellatt, James Browne, William Hope, Preamble.

Harrison R. Forbes, Casimer S. Gzowski, the younger, William James Baines, W. Alexander, R. Beaty, Philip Browne, Ewing Buchan, C. J. Campbell, W. G. Cassels, R. Cochran, P. S. Barnston, H. L. Hime, W. Kersteman, the younger, Herbert Mortimer, E. B. Osler, W. A. Phipps, A. B. Campbell and R. H. Temple, resident and carrying on business in the City of Toronto, have petitioned for the incorporation of themselves and others as The Toronto Stock Exchange, and to be invested with certain powers hereinafter mentioned ; and whereas it is expedient to grant their prayer :—

Therefore Her Majesty, by and with the advice and consent of the Legislature of Ontario, enacts as follows :—

1. The aforesaid persons and all those who may hereafter become associated with them shall be and they are hereby constituted a body politic and corporate by the name of The Toronto Stock Exchange, and may by that name sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended in all courts of law and equity, and by that name they and their successors shall have perpetual succession and a common seal; and shall have power to change and alter the same at pleasure, and may acquire for themselves and their successors, under any legal title whatsoever, property real and personal ; may alienate, sell, convey, lease or otherwise dispose of the same or any part thereof from time to time as occasion may require, for such price or prices and on such terms and conditions as they may see fit; and may, should they see fit, acquire other real and personal estate for the purposes of this Act: may borrow money on the hypothecary security of the immovable property of the corporation for such time and on such terms and at such rates of interest as they may see fit; Provided always the clear value of the real and personal estate together held by the said corporation at any one time shall not exceed one hundred thousand dollars and provided also that the said corporation shall not have or exercise any corporate powers whatever except such as are expressly conferred by this Act or which are necessary for carrying the same into effect.

Incorporation  
corporate  
name and  
powers.

Proviso.

2. The objects of the said corporation are hereby declared to be—to compile records and publish statistics, to acquire and distribute information respecting stocks, shares, bonds and debentures, to provide and regulate a suitable building or room or rooms for a stock exchange and offices in the City of Toronto, to promote the observance of such regulations and requirements as may be by by-law established not contrary to law, to which ends the corporation is hereby empowered by vote of the ma-

Objects of corporation.



jority at annual, quarterly or special meetings of the said corporation, to make and establish such proper and needful rules, regulations and by-laws for its government as they may deem expedient and necessary for the interest and administration of the property and affairs of the said corporation; for the raising of capital not exceeding in amount the aforesaid sum of one hundred thousand dollars by the issue of transferable shares or otherwise; for the appointing of conditions under which shares may be transferred or forfeited: for the employment of a secretary and treasurer and such clerks and other officers and servants as may be necessary, for regulating the mode of voting at any ordinary, special or general meeting, or to determine whether the presiding officer shall or shall not vote or shall or shall not have a double or casting vote in case of a tie, and for all or any of the purposes within the powers conferred by this Act, and for the administration of their affairs generally: Provided always such by-laws are not contrary to law, and further to amend and repeal such by-laws from time to time in the manner provided by such by-laws, and generally shall have all needful corporate powers for the purposes of this Act.

Officers of corporation.

3. The affairs, business and concerns of the corporation hereby created shall be managed by a president, secretary, treasurer, and three managers or such other officers and number of managers as may be provided by the by-laws, all of whom shall be members of the said Toronto Stock Exchange, and shall together constitute the committee of management; and shall be elected annually at such time and place as may be provided by the by-laws; all vacancies which may occur in the said committee by death or otherwise shall be filled by the said committee and a majority of the number of the said committee or such other number as may be established by the by-laws shall constitute a quorum for the transaction of business.

Annual meeting.

4. An annual meeting shall be held for the election of the committee of management and for such other business as may be brought before such meeting, at such time and place, and under such regulations and notices as the by-laws of the corporation shall determine; and may be adjourned as decided at such meeting, but in case of any accident, failure or neglect to hold such general election the corporation shall not thereby lapse or terminate but shall continue and exist and the old officers shall continue to act until the next general election or until such other period as may be provided for in the by-laws.

Membership.

5. The corporation may admit as members such persons, residents of Toronto, as they see fit: such admission to membership shall be governed by the by-laws of the corporation: and the said corporation may expel any member for such reasons and in such manner as may be by-law provided.

By-laws and rules.

6. The by-laws and rules of the Toronto Stock Exchange now in force shall be the by-laws and rules of the corporation, until amended or repealed.

Present officers to continue.

7. Until others shall be elected the present officers of the Toronto Stock Exchange shall be those of the corporation constituted by this Act, and shall have all the powers assigned to the committee of management of the said corporation by this Act.

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8. No member of the corporation shall be liable for any of the debts thereof, beyond the amount of his unpaid subscribed share or shares in the capital stock of the corporation and the annual subscriptions which may remain unpaid by such member.

Liability of  
members.

9. All subscriptions of members due to the said corporation and all penalties incurred under any by-law by any person bound thereby, and all other sums of money due to the said corporation shall be paid to the treasurer thereof, and in default of payment may be recovered in any action brought in the name of the said corporation; and it shall only be necessary in such action to allege that such person is indebted to the said corporation in the sum of money the amount of such arrears, on account of such subscription, penalty or otherwise, whereby an action hath accrued to the said corporation by virtue of this Act and on the trial or hearing of any such suit it shall be sufficient for the said corporation to prove that the defendant at the time of the institution of such action was, or had been a member of the said corporation, and that the amount claimed by reason of such subscription or otherwise, was standing unpaid in the books of the said corporation.

Subscriptions  
of members.

BILL.

An Act to incorporate the Toronto Stock  
Exchange.

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First Reading,	1878.
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(*PRIVATE BILL.*)

Hon. Mr. CAMERON.

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TORONTO :

PRINTED BY HUNTER, ROSE & CO.



## An Act to incorporate the Toronto Stock Exchange.

WHEREAS Henry Pellatt, James Browne, William Hope, Preamble.

Harrison R. Forbes, Casimer S. Gzowski, the younger, William James Baines, W. Alexander, R. Beaty, Philip Browne, Ewing Buchan, C. J. Campbell, W. G. Cassels, R. Cochran, P. S. Barnston, H. L. Hime, W. Kersteman, the younger, Herbert Mortimer, E. B. Osler, W. A. Phipps, A. B. Campbell and R. H. Temple, resident and carrying on business in the City of Toronto, and being all the members of the now existing unincorporated Toronto Stock Exchange, have petitioned for the incorporation of themselves and others as The Toronto Stock Exchange, and to be invested with certain powers hereinafter mentioned ; and whereas it is expedient to grant their prayer :—

Therefore Her Majesty, by and with the advice and consent of the Legislature of Ontario, enacts as follows :—

1. The aforesaid persons and all those who may hereafter become associated with them shall be and they are hereby constituted a body politic and corporate by the name of The Toronto Stock Exchange, and may acquire for themselves and their successors, under any legal title whatsoever, property real and personal, *but only to the extent requisite for the purposes of their business*; may alienate, sell, convey, lease or otherwise dispose of the same or any part thereof from time to time as occasion may require, for such price or prices and on such terms and conditions as they may see fit; and may, should they see fit, acquire other real and personal estate *in lieu thereof*, for the purposes of this Act : may borrow money on mortgage of the real estate of the corporation for such time and on such terms and at such rates of interest as they may see fit; Provided always that the clear annual value of the said real estate at any one time shall not exceed five thousand dollars, and provided also that the said corporation shall not have or exercise any corporate powers whatever except such as are expressly conferred by this Act or which are necessary for carrying the same into effect.

Incorporation.

Name and powers.

Proviso.

2. The objects of the said corporation are hereby declared to be—to compile records and publish statistics, to acquire and distribute information respecting stocks, shares, bonds and debentures, to provide and regulate a suitable building or room or rooms for a stock exchange and offices in the City of Toronto, to promote the observance of such regulations and requirements as may be by by-law established not contrary to law, to which ends the corporation is hereby empowered by vote of the majority at annual, quarterly or special meetings of the said corporation, to make and establish such proper and needful rules, regulations and by-laws for its government as they may deem

Objects of corporation.

expedient and necessary for the interest and administration of the property and affairs of the said corporation ; for the employment of a secretary and treasurer and such clerks and other officers and servants as may be necessary ; for regulating the mode of voting at any ordinary, special or general meeting, or to determine whether the presiding officer shall or shall not vote or shall or shall not have a double or casting vote in case of a tie, and for all or any of the purposes within the powers conferred by this Act, and for the administration of their affairs generally: Provided always such by-laws are not contrary to law, and further to amend and repeal such by-laws from time to time in the manner provided by such by-laws.

Officers of corporation.

3. The affairs, business and concerns of the corporation hereby created shall be managed by a president, secretary, treasurer, and three managers or such other officers and number of managers as may be provided by the by-laws, all of whom shall be members of the said Toronto Stock Exchange, and shall together constitute the committee of management; and shall be elected annually at such time and place as may be provided by the by-laws; all vacancies which may occur in the said committee by death or otherwise shall be filled by the said committee and a majority of the number of the said committee or such other number as may be established by the by-laws shall constitute a quorum for the transaction of business.

Annual meeting.

4. An annual meeting shall be held for the election of the committee of management and for such other business as may be brought before such meeting, at such time and place, and under such regulations and notices as the by-laws of the corporation shall determine; and may be adjourned as decided at such meeting, but in case of any accident, failure or neglect to hold such general election the corporation shall not thereby lapse or terminate but shall continue and exist and the *then* officers shall continue to act until the next general election or until *their successors are appointed*.

Membership.

5. The corporation may admit as members such persons, residents of Toronto, as they see fit: such admission to membership shall be governed by the by-laws of the corporation: and the said corporation may expel any member for such reasons and in such manner as may be by-law provided.

By-laws and rules.

6. The by-laws and rules of the *now existing unincorporated* Toronto Stock Exchange now in force shall be the by-laws and rules of the *said* corporation, until amended or repealed.

Present officers to continue.

7. Until others shall be elected the present officers of the *said existing* Toronto Stock Exchange shall be those of the corporation constituted by this Act, and *such officers* shall have all the powers assigned to the committee of management of the said corporation by this Act, and by the *By-laws and rules of the said existing Toronto Stock Exchange so far as the same are not contrary to law*.

Liability of members.

8. No member of the corporation shall be liable for any of the debts thereof, beyond the amount of the *annual subscription of such member* which may remain unpaid.

Subscriptions of members.

9. All subscriptions of members due to the said corporation and all penalties incurred under any by-law by any person

bound thereby, and all other sums of money due to the said corporation shall be paid to the treasurer thereof, and in default of payment may be recovered in any action brought in the name of the said corporation ; and it shall only be necessary in  
 5 such action to allege that such person is indebted to the said corporation in the sum of money *being* the amount of such arrears, on account of such subscription, penalty or otherwise, whereby an action hath accrued to the said corporation by virtue of this Act and on the trial or hearing of any such suit it  
 10 shall be sufficient *prima facie evidence* for the said corporation to prove that the defendant at the time of the institution of such action was, or had been a member of the said corporation, and that the amount claimed by reason of such subscription or otherwise, was standing unpaid in the books of the said corporation.  
 15 ation.

10. *The said company shall at all times when required by the Lieutenant-Governor or by the Legislative Assembly, make a full return of all its property, real and personal, and of its liabilities, receipts and expenditures to the Lieutenant-Governor or Legislative Assembly as the case may be for such period and with such details and other information as the Lieutenant-Governor or Legislative Assembly may require on that behalf.*

Returns to be made to the Lieutenant-Governor and Legislative Assembly.



BILL.

An Act to incorporate the Toronto Stock  
Exchange.

*(To be reprinted as amended.)*

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First Reading, 28th January, 1878.

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*(PRIVATE BILL.)*

HON. MR. CAMERON.

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TORONTO:

PRINTED BY HUNTER ROSE & CO.

## An Act respecting the Credit Valley Railway Company.

**W**HEREAS the Credit Valley Railway Company have petitioned that an Act may pass confirming certain municipal by-laws granting aid to the said company, and otherwise amending the Acts relating to the said company; and  
5 whereas it is expedient to grant the prayer of the said petition :  
Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Preamble.

1. The by-laws heretofore passed by the Councils of the City  
10 of Toronto, of the Town of Ingersoll and the Villages of Fergus and Elora, granting aid to the said company, and all debentures issued, or that may hereafter be issued, under the said by-laws, are and the same are hereby made legal, valid and binding upon the respective Corporations of Toronto, Ingersoll,  
15 Fergus and Elora.

Certain by-laws declared valid.

2. And whereas doubts have arisen as to the true construction of the agreement entered into between the said company and the trustees of the said company and the Corporation of the Town of Ingersoll; it is enacted that the said Municipal  
20 Corporation of the said Town of Ingersoll may by by-law authorise the said trustees to hand over to the said company as their absolute property the debentures of the said town now in their hands to the extent of ten thousand dollars.

Agreement between company and Ingersoll.

3. The twenty-seventh section of the statute of the Province  
25 of Ontario, passed in the thirty-fourth year of the reign of Her Majesty Queen Victoria and chaptered thirty-eight, is hereby repealed; and the following is hereby substituted therefor :

34 Vic. c. 38, section 27 repealed.

27. The council of any municipality which shall grant a  
bonus of not less than fifty thousand dollars in aid of the said  
30 company, whether by way of exchange of their own debentures for the debentures of the said company or otherwise, shall be entitled to name a director in the said company as the representative of that municipality; and such director shall be, in addition to all shareholders directors in the said company, and shall not  
35 require to be a shareholder in the said company, and shall continue in office as director in the said company until his successor shall be appointed by the municipality which he represents.

New Section 27.

Third Session, Third Parliament, 41 Vic. 1878.

BILL.

An Act respecting the Credit Valley Railway Company.

First Reading,	1878.
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(*PRIVATE BILL.*)

Mr. CLARKE (*Wellington.*)

TORONTO:

PRINTED BY HUNTER, ROSE & Co.



An Act to Incorporate the Lindsay and Bobcaygeon  
Railway Company.

WHEREAS the construction of a railway from some point Preamble.  
within or near the Town of Lindsay to some point in  
or near the Village of Bobcaygeon, and connecting at or near  
the said Town of Lindsay, with one or more of the railways  
5 now built and in operation to the said Town is desirable for the  
public convenience and accommodation of the inhabitants and  
for the development of the resources of that section of the pro-  
vince ;

Therefore Her Majesty, by and with the advice and consent  
10 of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. Mossom Boyd, C. R. Stewart, George Bick, W. B. Read, Incorporation.  
Charles Fairbairn, Alexander Orr, John Aiken, Samuel Crab-  
tree, William Snowden, John Junkin, W. Thurston, Irvine Jun-  
15 kin, Jabez Thurston, Wellington Blewitt, James Oliver, Maurice  
Hartnell, William Playfair, Elijah Bottom, John Petrie, Peter  
H. Murdock, James S. Carinduff, James Hicks, John L. Read,  
John Dobson, John Knowlson, Thomas Keenan, J. W. Dunsford,  
Wm. McDonnell, James Deacon, Adam Hudspeth, W. L. Russell,  
20 John McLennan, and C. L. Baker, together with such other  
persons and corporations as shall in pursuance of this Act be-  
come shareholders of the said company hereby incorporated,  
are hereby constituted and declared to be a body corporate and  
politic by the name of "The Lindsay and Bobcaygeon Railway  
25 Company," and the said Mossom Boyd, C. R. Stewart, George Provincial  
Directors.  
Bick, W. B. Read, Charles Fairbairn, Alexander Orr, John  
Aiken, Samuel Crabtree, William Snowden, John Junkin, W.  
Thurston, Irvine Jenkin, Jabez Thurston, Wellington, Blewitt,  
James Oliver, Maurice Hartnell, William Playfair, Elijah Bottom,  
30 John Petrie, Peter H. Murdock, James S. Carinduff, James  
Hicks, John L. Reid, John Dobson, John Knowlton, Thomas  
Keenan, J. W. Dunsford, William McDonnell, James Deacon,  
Adam Hudspeth, W. L. Russell, John McLennan, and C. L.  
Baker, shall be and are hereby constituted the Board of Pro-  
35 visional Directors of the said company.

2. The several clauses of "The Railway Act of Ontario," Incorporation  
of the Railway  
Act with this  
Act.  
with respect to "interpretation," "application of Act" "incorpora-  
tion," "powers," "plans and surveys," "lands and their valuation,"  
"highways and bridges," "fences," "tolls," "general meetings,"  
40 "president and directors," "calls," "dividends," "shares and  
their transfer," "shareholders," "municipalities taking stock,"  
"by-laws, notices, &c.," "working of the railway," "actions for  
"general provisions," also "application of sections," "proceedings  
indemnity, and fines, and penalties, and their prosecution,"

where additional space required," "inspection of railways," "railway inspection fund," "traffic arrangements," "appointment of railway constables," "general provisions," "interest or rent, when to be deemed working expenses," and "penal clauses," shall be incorporated with and form part of this Act, and shall apply to the said railway to be constructed by them except only so far as they may be inconsistent with the express enactments hereof and the expression, "this Act," when used herein shall be understood to include the clauses of the said "The Railway Act of Ontario," so incorporated with this Act. 10

**3.** The said company shall have full power under this Act to construct a railway from some point within or near the Town of Lindsay to some point within or near the Village of Bobcaygeon, and to connect at or near the said Town of Lindsay, with one or more of the railways now built and in operation to the said Town. 15

**4.** The said railway shall be of the gauge of four feet eight and one half inches.

**5.** It shall be lawful for the said company to enter into any agreement with the Whitby, Port Perry and Lindsay Railway Company for leasing the railway or any part thereof, or the use thereof to the said the Whitby, Port Perry and Lindsay Railway Company, or for leasing or hiring from the said other company, locomotive, s or other rolling stock, and generally to make any agreement or agreements with such other company touching the use by one or the other or by both companies of the railway or moveable property of either or of both or of any part thereof or touching any service to be rendered by one company to the other and the compensation thereof; and any such agreement shall be valid and binding and shall be enforced by courts of law, according to the terms and tenor thereof, and any such company or any individual excepting and executing such lease or agreement shall be and is hereby empowered to exercise, so far as the same are applicable, all the rights, powers and privileges by this Act conferred: 25 30 35

Provided that every such lease or agreement shall have been first sanctioned at a special general meeting of the shareholders, called for the purpose of considering the same, under the provisions of this Act and then by a vote to that end of two-thirds of the shareholders present either in person or by proxy. 40

**6.** Conveyances of lands to the said company for the purposes of and under the powers given by this Act, may be in the form provided in schedule A appended to this Act or to the like effect, and shall be sufficient conveyance to the said company, their successors and assigns of the estate and interest and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required by the Registry Act; and no registrar shall be entitled to demand or receive more than seventy-five cents for registering the same, inclusive of all entries and certificates thereof, and certificates endorsed on the duplicate thereof. 45 50

**7.** The said provisional directors, until others shall be elected as hereinafter provided, shall constitute the board of directors

of the company, with power to fill vacancies occurring therein ; to associate with themselves not more than six other persons, who upon being so named and consenting thereto, shall be and become provisional directors of the company equally with the  
 5 said provisional directors ; to open stock books and procure subscriptions of stock for the undertaking ; to make a call or calls Their powers. upon the shares so subscribed, to receive payments for stock, to sue for and recover the same ; to call a meeting or meetings of the subscribers thereto for the election of other directors as  
 10 hereinafter provided ; and to receive grants, loans, bonuses and gifts made to the company ; and the said directors or a majority of them or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude from subscribing and refuse to accept as a shareholder any person who in their  
 15 judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act ; and if at any time more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst  
 20 the subscribers as they may deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers if in their judgment this will best secure the building of the said railway.

25 **8.** The meetings of the provisional directors shall be held Meeting of provisional directors. in the Village of Bobcaygeon, unless they shall otherwise at any time direct and may be called by any three of them and those present at any such meeting shall be a quorum.

**9.** The capital stock of the said company shall be sixty thou- Capital stock  
 30 sand dollars (with power to increase the same as provided by the said Railway Act of Ontario,) and shall be divided into twelve hundred shares, of fifty dollars each, and shall be raised and paid by the persons and corporations who may become share-  
 35 holders in the said company, and the money so raised and paid Application of moneys received from shareholders. shall be applied in the first place to the payment and discharge of all fees, expenses, and disbursements payable for or incurred in the procuring of the passing of this Act, in the procuring of stock to be taken in, and the organization of the said company, and in the making of the surveys, plans, and estimates connected  
 40 with the works hereby authorised, and the remainder of such monies shall be applied to the making, equipment, and completion of the said railway, and in and for the other purposes of this Act.

**10.** Calls upon the subscribed stock may be made by the Calls.  
 45 directors for the time being, as they shall see fit ; provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, nor with intervals of less than thirty days between the calls.

**11.** It shall be lawful for the provisional or elected directors Stock may be paid in full.  
 50 of the said company to receive and accept payment in full for stock or any sum on account thereof from any subscriber or subscribers thereof, at the time of subscription, or at any time before it is due and payable.

**12.** So soon as shares to the amount of ten thousand dollars First meeting for election of directors.  
 55 of the capital stock of the said company shall have been sub-



scribed, and ten per centum thereof paid into some chartered bank, having an office in the Town of Lindsay, the said provisional directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said company. 5

If directors neglect how first meeting may be called.

**13.** In any case the provisional directors neglect to call such meeting for the space of three months next after the time when the same might have been so called as aforesaid, such meeting may be called by any five of the shareholders who are collectively shareholders, to the amount of one thousand dollars or upwards, and who have paid up all calls on their stock. 10

Notice of first meeting.

**14.** In case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one local newspaper published either at the Village of Bobcaygeon, or at the Town of Lindsay, once in each week for the space of at least two weeks next preceding the day so appointed for holding such meeting, and such meeting shall be held at the Village of Bobcaygeon, at such place therein and on such day as may be named in such notice, and may be adjourned from day to day, or from time to time as the case may require, until the business thereof is concluded; and at such general meeting, the shareholders present or represented by proxy, who have paid all calls on their stock as aforesaid, shall choose five persons to be the directors of the said company and may also make or pass such rules, regulations, and by-laws as may be deemed expedient and are not inconsistent with this Act, and may transact such other business as the interests of the company may seem to require. 15 20 25

Powers of shareholders thereat.

Subsequent annual general meetings.

**15.** Thereafter the annual general meeting of the shareholders of the said company shall be held at such place and time as the by-laws of the said company shall direct, and in default of any such provision by by-law such meeting shall be held at the Village of Bobcaygeon, on the first Tuesday in February in each year, at such hour and at such place in the said village as may be named in the notice of such meeting. 30 35

Qualification of directors.

**16.** No person shall be qualified to be elected a director in the said company by the shareholders unless he be a shareholder, holding at least four shares of stock in the company, and shall have paid up all calls thereon. 40

Special general meetings how called.

**17.** Special general meetings of the said shareholders may be held at such times and places and in such manner as by-laws of the said company may direct or as may from time to time be ordered by the directors for any purpose or purposes to be named in the notice of such meeting. 45

Notice of general or special meetings.

**18.** Notice of all general or special meetings of the shareholders of the said company shall be given for such period and in such manner as shall be directed by the by-laws of the said company, and, in default of such direction, notice thereof shall be given in the manner hereinbefore provided with respect to the first general meeting of said shareholders. 50

Scale of votes of shareholders.

**19.** The number of votes to which each shareholder shall be entitled on every occasion when the votes of the shareholders 55

are to be given shall be equal to the number of shares held by such shareholder and which all calls have been paid up at least one week before the day appointed for any such meeting.

**20.** At all meetings of the shareholders the stock held by municipal and other corporations may be represented by such person as they shall respectively have appointed for that purpose by by-law, and such person shall at all such meetings be entitled like other shareholders to vote by proxy.

Stock held by municipalities and corporations, how represented.

**21.** The majority in number of the directors so to be elected as aforesaid shall be a quorum, competent to use and exercise all and any of the powers vested in such directors.

Quorum of directors.

**22.** In case it shall happen at any time that an election of directors be not made when the same should have been made the company shall not for that reason be deemed to be dissolved, but it shall be lawful to hold and make an election of directors at any special meeting called for that purpose, and the directors in office shall remain so until their successors shall have been appointed.

Failure to elect directors at proper time.

**23.** The said company may receive from any Government or any person or bodies corporate, municipal or politic, who may have power to make or grant the same aid towards the construction, equipment or maintenance of the said railway by way of bonus, gift or loan, in money or debentures or other securities for money, or by way of guarantee, on such terms and conditions as the said company and any such person or corporation may agree upon.

Company may receive aid.

**24.** Any municipal corporation or any portion of any municipality which may be interested in securing the construction of the said railway or through or near any part of which the railway or works of the said company may pass or be situate, or which may be in a position to derive any benefit from the construction of the said railway, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained.

Aid from municipalities.

**25.** The procedure on the granting of any such aid as aforesaid shall be as follows :—

Procedure on granting.

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and to what amount, and the council shall, within six weeks after the receipt of the petition by the clerk or head of the council of the said municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters ;

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves or of twenty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act ;

3. In the case of other municipalities the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid ;

4. In the case of two or more minor municipalities or sections of two or more such municipalities, with a section or sections of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities or sections proposed to be grouped, being duly qualified voters as aforesaid. 5 10

Grouping  
municipalities

26. In the case of a portion of a county municipality being formed into a group, the by-laws to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon, shall be assessed and levied upon such portions only of the county municipality, and the voting thereon shall be limited to the duly qualified voters in such portions only. 15

Interpretation  
of "minor  
municipality."

27. The term "minor municipality" shall be construed to mean any township or incorporated town or village. 20

Requisites of  
by-laws grant-  
ing aid.

28. Every such by-law shall in each instance provide :— 20

1. For raising the amount petitioned for in the municipality or portions of the county municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipalities respectively, and for the delivery of the said debentures or the application of the amount to be raised thereby; 25

2. For assessing and levying upon all the ratable property within the municipality, or portions of the county municipality (as the case may be), defined in the said by-law, an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, or by equal annual instalments of principal and interest, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof respectively are hereby authorized to execute and issue in such cases respectively; provided that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the said railway company or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest. 35 40

Passing the  
by-laws by  
the councils  
and issuing  
debentures.

29. In case the by-law submitted for approval be carried by a majority of the votes given thereon, then, within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same; and within one month after the passing of such by-law, the said Council and the Warden, Mayor, Reeve, or other officers thereof, shall issue and dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof. 45 50

Rate may ex-  
ceed 2% in the  
\$

30. No such by-law shall be valid, or shall be submitted to such vote for granting aid to the railway, which shall require



the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar, on the value of the ratable property, in any of the minor municipalities or sections affected thereby, but, for the purpose of such aid, the amount of the aggregate annual rate to be levied in any such municipality or section, may exceed the two cents in the dollar limited by the Municipal Act.

**31.** The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company and give in exchange therefor, to the said township, a like amount of debentures of the said county on a resolution to that effect being passed by the county council, and the township municipality shall, in such case, keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

County may give their debentures in exchange for Township debt.

**32.** Whenever any municipality, or portion of a county municipality, shall grant aid, by way of bonus or gift, to the said railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the head, or a majority of the heads of the municipality or municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: provided, that if the said Lieutenant-Governor shall omit, or the said head or heads of municipalities neglect or refuse to name such trustee for the space of one month, after notice in writing to him or them, of the appointment of the other trustee or trustees. The said railway company shall be at liberty to name such other trustee or trustees; and any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, with the consent of the said company; and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of the said company.

Delivery of debentures to Trustees.

**33.** The said trustees shall receive the said debentures or bonds in trust; firstly, under the direction of the company, to convert the same into money; secondly, to deposit the amount realized from the sale in some of the chartered banks of Canada, having an office in this Province, in the name of "The Lindsay and Bobcaygeon Railway Municipal Trust Account," and in the absence of any agreement to the contrary, to pay the same out to the company from time to time, upon the certificate of the Chief Engineer of the said railway in the form set out in the Schedule B. hereto, or to the like effect, and such certificate shall be attached to the cheques to be drawn by the said trustees, and such engineer shall not wrongfully grant any such certificate under a penalty of one hundred dollars, recoverable in any County Court, with full costs of suit, by any person who may sue therefor.

Trusts upon which the debentures shall be held.

**34.** The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of them shall be as valid and binding as if the three had joined therein.

Fees to trustees.

Municipality  
may give lands  
to company.

**35.** Any municipality through which the said railway may pass, is empowered to grant, by way of gift, to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway and the said railway company shall have power to accept gifts of land from any government, or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company. 5

Municipality  
may exempt  
from taxation,  
&c.

**36.** It shall further be lawful for the council of any municipality in which any part of the said railway is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either wholly or in part from municipal assessment and taxation, or to agree to a certain sum per annum or otherwise in gross, by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein. 10 15 20

and extend  
time for com-  
pletion of  
work,

**37.** It shall and may be lawful for the council of any municipality which shall have granted a bonus to the said railway company, and they shall have full power to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonus. 25

and contri-  
bute or pay  
expenses of  
submitting by-  
law,

**38.** It shall be lawful for the council of any municipality interested in the said railway, without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such municipality, to bear all or part of the costs, charges, and expenses, of and incidental to the submission of any by-law to the qualified voters of such municipality, for granting a bonus to the said company, or any such council may (without such formalities as aforesaid) give the said company a bonus for or on account of such costs, charges, and expenses, provided that no one such bonus shall exceed one thousand dollars. 30 35

and agree  
with company  
as to expendi-  
ture of bonus.

**39.** Whenever any municipality shall aid, loan, guarantee, or give money or bonds by way of bonus, to aid the construction or maintenance of the said railway, or otherwise to aid the said company, it shall be lawful for the said company to enter into a valid agreement with such municipality, binding the said company to expend the whole of such aid so given, upon the works of the said railway, within the limits of the municipality granting the same. 40 45

Issue of bonds.

**40.** The directors of the company, after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, or any general meeting, shall have power from time to time to issue mortgage bonds made and signed by the president or vice-president, and countersigned by the secretary, and under the seal of the company, for such sums payable at such times and in such manner, at such places, and with coupons thereto attached, bearing interest at such rate payable, at such places and in such 50



manner as the directors may deem advisable, to any amount not exceeding five thousand dollars lawful money of Canada, or its equivalent in sterling money of Great Britain, for each mile of the main line of the railway from time to time constructed, which said mortgage bonds when issued, shall, without registration or formal conveyance be taken and be considered to be a first and preferential claim and charge upon the franchises, undertaking, and property of the company, real and personal, existing at the time of such issue or issues, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata* with all the other holders thereof upon the said franchises, undertaking, and property of the said company as aforesaid, and in the event at any time of the interest upon the said bonds remaining unpaid and owing after the time for payment of the same, or of any part thereof, shall have elapsed, then at the next ensuing annual general meeting of the shareholders of the said company all holders of such bonds on which the interest is in arrear and unpaid as aforesaid, shall have and possess the same rights, privileges, and qualifications for directors and for voting as are possessed by shareholders; provided that the bonds and any transfers thereof, shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

41. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may issue for the construction or maintenance of the Railway under the authority of this Act. Company may borrow money on bonds.

42. The said company shall have power and authority to make, draw, endorse, accept and become parties to promissory notes and bills of exchange, and every promissory note and bill of exchange made, endorsed, drawn or accepted by the President or Vice-President of the Company, and countersigned by the Secretary of the company under the authority of a quorum of the directors shall be binding on the said company, and shall be presumed to have been made with the proper authority until the contrary is shewn; and it shall not be necessary to affix the seal of the company to any such bill or note nor shall the President, Vice-President or Secretary be individually responsible for the same unless the same shall have been issued without the sanction and authority of the directors as herein provided: Provided, however, that nothing herein contained shall be construed to authorize the said company to issue any promissory note or bill of exchange intended to be circulated as money or in like manner as the notes and bills of a bank. Company may make promissory notes and bills of exchange, etc.

43. The said company for the purpose of facilitating the said undertaking, and the traffic in connection therewith, shall have power to purchase, build, fit, complete and charter, sell or dispose of work, control and keep in repair steamboats, steam-tugs, barges and other vessels to ply in connection with the said railway or otherwise. Power to build steamboats, etc.

44. The said company shall have power to purchase and hold such land as may be required at each extremity of the said railway for the purpose of building thereon, storehouses, Company may hold and acquire lands for certain purposes.



warehouses, engine-houses, wharves, elevators and other erections for the uses of the said company, and the same or any portion thereof, in their discretion to sell and convey, and also to make use for the purposes of the said railway, of the water of any stream or water-course at, or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water-course. 5

Company may buy whole lot instead of right of way. 45. Whenever the said company can obtain the whole of any lot or parcel of land over which the railway is to be carried, at a more reasonable price or to greater advantage than by purchasing the railway line, only the company may purchase, hold and enjoy the whole of such lot or parcel, and may sell and convey the same or any part thereof from time to time as they may deem it expedient. 10

Company may take lands for gravel, etc. 46. The said company may, in the manner, and upon the like terms and conditions as are provided in the railway Act for obtaining the lands necessary for the purposes of the construction of the said railway take, obtain and hold any lands on which is situated any stone, gravel or other material required for the construction or maintenance of the said railway, and the fee simple therein or only the right to take such material for any time they may think necessary as they shall see fit, and in case they cannot agree with the owner or owners thereof as to the compensation to be paid therefor the proceedings shall be as directed in the said Railway Act, save that instead of the deposit of the map or plan and notice thereof, as provided by the nineteenth section of the said Railway Act, the said company shall cause a Provincial Land Surveyor to make a map and description of the lands so acquired or from which such material is to be taken, and shall serve a copy thereof with the notice and affidavit required by section twenty of the said Railway Act in the manner therein provided. and thereafter may proceed as in the said Act is directed with the same effect as would be obtained in a case contemplated by the said Railway Act if all the requirements thereof had been duly observed, and if such gravel stone or other material be at a distance from the line of railway, the said company may lay down and maintain the necessary siding and tracks over any intervening lands whatever the distance may be and all the provisions of the said Railway Act except such as relate to filing plans, and notice thereof shall apply and may be used and exercised to obtain the right of way from the line of railway to the lands over which such materials are situated, and such right may be acquired for a term of years or less period, or permanently as the company may think proper; and the powers in this section may be used and exercised by the said company after the said railway is constructed for the purpose of repairing and maintaining the said railway. 15 20 25 30 35 40 45

Telegraph lines.

47. For the purpose of constructing, working, and protecting the said railway; the said company may construct, work, and maintain a telegraph line or lines along their line of railway and in connection therewith, and such telegraph line or lines shall be considered as an adjunct to the said railway, and the said company shall in respect and for the working and protection thereof, have the powers conferred on Electric Telegraph Companies by the Statutes of the Dominion of Canada in that behalf. 50 55

48. The said railway company shall have power to lease from any Equipment Company or other body or person or persons, any rolling stock that may be required for use on the road. Leasing rolling stock.

49. The said company shall have power to collect and receive all charges, subject to which goods or freight of any kind may come into their possession, and shall have the same lien for such back charges as the person, or persons or corporation to whom they were originally due without any formal transfer thereof, and on payment by them of such charges to any other company or any prior possessor of the said goods for transit, the said company shall have all the rights and remedies of any such other company and person for the collection of the same. Collecting back charges on freight.

50. The said company may erect snow fences along their line after the first day of November in any year, and maintain the same until the first day of April following, and may enter on any lands necessary for that purpose, and shall remove all such fences not later than the first day of April aforesaid. Snow fences.

51. The said railway shall be commenced within two years, and finally completed within three years after the passing of this Act. Commencement and completion of railway.

#### SCHEDULE A.

Know all men by these presents that I (or we) (*insert names residences or occupations of the vendors*), in consideration of dollars paid to me (or us) by the "The Lindsay, and Bobcaygeon Railway Company," do grant convey and release unto the said company all that (*or those*) certain parcel or tract of land and premises situate (*insert description of property*) the same having been selected by the said company, for the purposes of their said railway, to hold the same unto the said "The Lindsay, and Bobcaygeon Railway Company," their successors and assigns and to their use for ever (*or as the case may be*) (*here insert any other clauses covenants or conditions required*), and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of A.D. 18 .  
Signed, sealed and delivered }  
in the presence of }

#### SCHEDULE B.

##### CHIEF ENGINEER'S OFFICE.

The Lindsay, and Bobcaygeon Railway Company.

I Chief Engineer of the said railway company, do hereby certify that the sum of \$ is required to be expended in the construction of this Railway from mile No. to mile No. and that payment of the said amount should be made by the trustees to the company out of the municipal trust fund in pursuance of the by-law of the of granting aid to the said railway.

Dated

BILL.

An Act to incorporate The Lindsay and  
Bobcaygeon Railway Company.

First Reading,	1878.
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(*PRIVATE BILL.*)

Hon. Mr. Wood.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.



An Act to Incorporate the *Whitby* and *Bobcaygeon*  
*Extension* Railway Company.

WHEREAS the construction of a railway from some point Preamble.  
within or near the Town of Lindsay to some point in  
or near the Village of Bobcaygeon, and connecting at or near  
the said Town of Lindsay, with one or more of the railways  
5 now built and in operation to the said Town is desirable for the  
public convenience and accommodation of the inhabitants and  
for the development of the resources of that section of the pro-  
vince;

Therefore Her Majesty, by and with the advice and consent  
10 of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. Mossom Boyd, C. R. Stewart, George Bick, W. B. Read, Incorporation.  
Charles Fairbairn, Alexander Orr, John Aiken, Samuel Crab-  
tree, William Snowden, John Junkin, W. Thurston, Irvine Jun-  
15 kin, Jabez Thurston, Wellington Blewitt, James Oliver, Maurice  
Hartnett, William Playfair, Elijah Bottom, John Petrie, Peter  
H. Murdock, James S. Carinduff, James Hicks, John L. Read,  
John Dobson, John Knowlson, Thomas Keenan, J. W. Dunsford,  
Wm. McDonnell, James Deacon, Adam Hudspeth, W. L. Russell,  
20 John McLennan, and C. L. Baker, together with such other  
persons and corporations as shall in pursuance of this Act be-  
come shareholders of the said company hereby incorporated,  
are hereby constituted and declared to be a body corporate and  
politic by the name of "The Lindsay and Bobcaygeon Railway  
25 Company," and the said Mossom Boyd, C. R. Stewart, George  
Bick, W. B. Read, Charles Fairbairn, Alexander Orr, John  
Aiken, Samuel Crabtree, William Snowden, John Junkin, W.  
Thurston, Irvine Jenkin, Jabez Thurston, Wellington, Blewitt,  
James Oliver, Maurice Hartnett, William Playfair, Elijah Bottom,  
30 John Petrie, Peter H. Murdock, James S. Carinduff, James  
Hicks, John L. Reid, John Dobson, John Knowlton, Thomas  
Keenan, J. W. Dunsford, William McDonnell, James Deacon,  
Adam Hudspeth, W. L. Russell, John McLennan, and C. L.  
Baker, shall be and are hereby constituted the Board of Pro-  
35 visional Directors of the said company. Provincial  
Directors.

2. The several clauses of the Railway Act of Ontario, and Railway Act  
also the several clauses thereof with respect to "interpretation," to apply.  
"incorporation," "powers," "plans and surveys," "lands and their  
valuation," "highways and bridges," "fences," "tolls," "general  
40 meetings," "president and directors, their election and duties,"  
"calls," "dividends," "shares and their transfer," "share-  
holders," "powers of municipalities," "by-laws, notices, &c.,"  
"working of the railway," "actions for indemnity and fines, and  
penalties, and their prosecution," and "general provisions," shall

be incorporated with and deemed to be a part of this Act, and shall apply to the said Company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof and the expression, "this Act," when used herein shall be understood to include the clauses of the said Railway Act of Ontario, so incorporated with this Act. 5

Power to construct railway from Lindsay to Bobcaygeon.

3. The said company shall have full power under this Act to construct a railway from some point within or near the Town of Lindsay to some point within or near the Village of 10 Bobcaygeon, and to connect at or near the said Town of Lindsay, with one or more of the railways now built and in operation to the said Town.

Guage.

4. The said railway shall be of the guage of four feet eight and one half inches. 15

Company may lease road or rolling stock and make agreements with other Railway Companies for working the Railway.

5. It shall be lawful for the said company to enter into any agreement with the Whitby, Port Perry and Lindsay Railway Company for leasing the railway or any part thereof, or the use thereof to the said the Whitby, Port Perry and Lindsay Railway Company, or for leasing or hiring from the said other company, locomotives, or other rolling stock, and generally to make any agreement or agreements with such other company touching the use by one or the other or by both companies of the railway or moveable property of either or of both or of any part thereof or touching any service to be rendered by one company 20 to the other and the compensation thereof; and any such agreement shall be valid and binding and shall be enforced by courts of law, according to the terms and tenor thereof, and any such company or any individual excepting and executing such lease or agreement shall be and is hereby empowered to 25 exercise, so far as the same are applicable, all the rights, powers and privileges by this Act conferred:

All such agreements binding,

Where sanctioned by shareholders.

Provided that every such lease or agreement shall have been first sanctioned at a special general meeting of the shareholders, called for the purpose of considering the same, under the provisions of this Act and then by a vote to that end of two-thirds of the shareholders present either in person or by proxy. 35

Form of conveyances of land to the Company.

6. Conveyances of lands to the said company for the purposes of and under the powers given by this Act, may be in the form provided in schedule A appended to this Act or to the like effect, and shall be sufficient conveyance to the said company, their successors and assigns of the estate and interest and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required by the Registry Act; and no registrar shall be entitled to demand or receive more than seventy-five cents for registering the same, inclusive of all entries and certificates thereof, and certificates endorsed on the duplicate thereof. 40 45

Provisional Directors.

7. The said provisional directors, until others shall be elected 50 as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring therein; to associate with themselves not more than six other persons, who upon being so named and consenting thereto, shall be and

become provisional directors of the company equally with the said provisional directors ; to open stock books and procure subscriptions of stock for the undertaking ; to make a call or calls upon the shares so subscribed, to receive payments for stock, to sue for and recover the same ; to call a meeting or meetings of the subscribers thereto for the election of other directors as hereinafter provided ; and to receive grants, loans, bonuses and gifts made to the company ; and the said directors or a majority of them or the board of directors to be elected as herein-  
 10 after mentioned, may in their discretion exclude from subscribing and refuse to accept as a shareholder any person who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act ; and if at any time more than the whole  
 15 stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they may deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may in their discretion exclude any  
 20 one or more of the said subscribers if in their judgment this will best secure the building of the said railway.

Their powers.

8. The meetings of the provisional directors shall be held in the Village of Bobcaygeon, unless they shall otherwise at any time direct and may be called by any three of them and  
 25 those present at any such meeting shall be a quorum.

Meeting of provisional directors.

9. The capital stock of the said company shall be sixty thousand dollars (with power to increase the same as provided by the said Railway Act of Ontario,) and shall be divided into twelve hundred shares, of fifty dollars each, and shall be raised and  
 30 paid by the persons and corporations who may become shareholders in the said company, and the money so raised and paid shall be applied in the first place to the payment and discharge of all fees, expenses, and disbursements payable for or incurred in the procuring of the passing of this Act, in the procuring of  
 35 stock to be taken, and in the organization of the said company, and in the making of the surveys, plans, and estimates connected with the works hereby authorised, and the remainder of such monies shall be applied to the making, equipment, and completion of the said railway, and in and for the other purposes of  
 40 this Act.

Capital stock.

Application of moneys received from shareholders.

10. Calls upon the subscribed stock may be made by the directors for the time being, as they shall see fit ; provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, nor with  
 45 intervals of less than thirty days between the calls.

Calls.

11. It shall be lawful for the provisional or elected directors of the said company to receive and accept payment in full for stock or any sum on account thereof from any subscriber or subscribers thereof, at the time of subscription, or at any time  
 50 before it is due and payable.

Stock may be paid in full.

12. So soon as shares to the amount of ten thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank, having an office in the Town of Lindsay, the said provi-

First meeting for election of directors.



sional directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said company.

If directors neglect how first meeting may be called.

**13.** *If in* any case the provisional directors neglect to call such meeting for the space of three months next after the time when the same might have been so called as aforesaid, such meeting may be called by any five of the shareholders who are collectively shareholders, to the amount of one thousand dollars or upwards, and who have paid up all calls on their stock.

Notice of first meeting.

**14.** In *either* case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one local newspaper published either at the Village of Bobcaygeon, or at the Town of Lindsay, once in each week for the space of at least two weeks next preceding the day so appointed for holding such meeting, and such meeting shall be held at the Village of Bobcaygeon, at such place therein and on such day as may be named in such notice, and may be adjourned from day to day, or from time to time as the case may require, until the business thereof is concluded; and at such general meeting, the shareholders present or represented by proxy, who have paid all calls on their stock as aforesaid, shall choose five persons to be the directors of the said company and may also make or pass such rules, regulations, and by-laws as may be deemed expedient and are not inconsistent with this Act, and may transact such other business as the interests of the company may seem to require.

Powers of shareholders thereat.

Subsequent annual general meetings.

**15.** Thereafter the annual general meeting of the shareholders of the said company shall be held at such place and time as the by-laws of the said company shall direct, and in default of any such provision by by-law such meeting shall be held at the Village of Bobcaygeon, on the first Tuesday in February in each year, at such hour and at such place in the said village as may be named in the notice of such meeting.

Qualification of directors.

**16.** No person shall be qualified to be elected a director in the said company by the shareholders unless he be a shareholder, holding at least four shares of stock in the company, and shall have paid up all calls thereon.

Special general meetings how called.

**17.** Special general meetings of the said shareholders may be held at such times and places and in such manner as the by-laws of the said company may direct or as may from time to time be ordered by the directors for any purpose or purposes to be named in the notice of such meeting.

Notice of general or special meetings.

**18.** Notice of all general or special meetings of the shareholders of the said company shall be given for such period and in such manner as shall be directed by the by-laws of the said company, and, in default of such direction, notice thereof shall be given in the manner hereinbefore provided with respect to the first general meeting of said shareholders.

Scale of votes of shareholders.

**19.** The number of votes to which each shareholder shall be entitled on every occasion when the votes of the shareholders are to be given shall be equal to the number of shares held by such shareholder and which all calls have been paid up at least one week before the day appointed for any such meeting.

**20.** At all meetings of the shareholders the stock held by municipal and other corporations may be represented by such person as they shall respectively have appointed for that purpose by by-law, and such person shall at all such meetings be entitled like other shareholders to vote by proxy. Stock held by municipalities and corporations, how represented.

**21.** The majority in number of the directors so to be elected as aforesaid shall be a quorum, competent to use and exercise all and any of the powers vested in such directors. Quorum of directors.

**22.** In case it shall happen at any time that an election of directors be not made when the same should have been made the company shall not for that reason be deemed to be dissolved, but it shall be lawful to hold and make an election of directors at any special meeting called for that purpose, and the directors in office shall remain so until their successors shall have been appointed. Failure to elect directors at proper time.

**23.** The said company may receive from any Government or any person or bodies corporate, municipal or politic, who may have power to make or grant the same aid towards the construction, equipment or maintenance of the said railway by way of bonus, gift or loan, in money or debentures or other securities for money, or by way of guarantee, on such terms and conditions as the said company and any such person or corporation may agree upon. Company may receive aid.

**24.** And it shall further be lawful for any municipality, or any portion of any township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the said Company shall pass or be situate, to aid and assist the said Company by loaning or guaranteeing, or giving money by way of bonus or other means to the Company, or issuing municipal bonds to, or in aid of the Company, and otherwise in such manner, and to such extent as such municipality shall think expedient. Aid from municipalities.

**25.** Provided always, that when said bonds or debentures are granted by a portion of a township municipality, the bonds or debentures so granted, shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonds or guarantee shall be given, except after passing of by-laws for the purpose, and the adoption of such by-laws by the ratepayers as provided in the Municipal Act for the creation of debts. Aid from portions of townships.

**26.** In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act. Petition for aid.

**27.** In case fifty persons, at least, rated on the last revised assessment roll of any municipality, other than a county municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition express the desire of the said petitioners, to aid in the construction of the said railway, by giving a bonus to the said Company, and stating the amount which they so Upon petition the council to submit by-law to ratepayers.



desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is derived from any portion of a township municipality, if at least fifty of the persons, who are qualified voters as aforesaid, in any portion of the said township municipality do petition the council of the said municipality, to pass a by-law in such petition, defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway, by granting a bonus to the said Company, and stating the amount which they desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law and submit the same to the approval of the qualified voters of the said portion of such township municipality;

(1.) For raising the amount so petitioned for by such freeholders in such portion of the municipality, by the issue of debentures of the municipality, payable in twenty years, or by annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of the said bonus at the time and on the terms specified in said petition;

(2.) For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate, as near as may be sufficient to include a sinking fund for the repayment of the debentures, with interest thereon, or for the payment of the said yearly instalments and interest, said interest to be payable yearly or half-yearly.

First passing  
of the by-law.

**28.** And in case such by-law be approved or carried by the majority of the votes given thereon then, within one month after the date of such voting, the said council shall read the said by-law a third time and pass the same.

Issuing the  
debentures.

**29.** And within one month after the passing of such by-law, the said council and the warden, mayor, reeve or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed, or to be appointed under this Act.

Levying rate  
where aid  
granted by a  
portion of the  
municipality.

**30.** In case any bonus be so granted by a portion of a municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion only of the municipality.

Application of  
the municipal  
Acts.

**31.** The provisions of the Municipal Acts, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by, or for a portion of a municipality, to the same extent as if the same had been passed by, or for the whole municipality.

Rule not to  
exceed three  
cents on the \$.

**32.** All by-laws to be submitted to such vote for granting bonuses to the said Company, not requiring the levy of a greater annual rate for all purposes, exclusive of school rates, than three cents on the dollar of the ratable property affected thereby, shall be valid.

County may  
give their de-  
bentures in ex-

**33.** The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid



of the railway company and give in exchange therefor, to the said township, a like amount of debentures of the said county on a resolution to that effect being passed by the county council, and the township municipality shall, in such case, keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

change for  
Township  
debt.

**34.** Whenever any municipality, or portion of a township municipality, shall grant aid, by way of bonus or gift, to the said Company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named—one by the Lieutenant-Governor in Council, one by the said Company, and one by the majority of the councils of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario: Provided, if the municipal councils interested shall refuse or neglect to name a trustee within four weeks after notice in writing to them of the appointment by the Company, then the Company shall be at liberty to name such trustee; in the event of the death, resignation, or inability or refusal to act of any trustee, the party who originally appointed such trustee so dying, resigning, or become incapable or unwilling to act, may appoint a successor; and in the event of such party failing for two weeks after notice in writing to make such appointment, the Company may appoint such trustee.

Municipal  
debentures;  
delivery to  
trustees.

**35.** The said trustees shall receive the said debentures in trust; firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Dominion, in the name of the *Whitby and Bobcaygeon Extension Railway Company*, Municipal Trust Account, and to pay the same unto the Company from time to time, on the certificate of the Chief Engineer of the said Company, in the form set out in the Schedule B hereto, or to the like effect, setting out how the money is to be applied, and that the sum so certified for is in pursuance of the terms and conditions (if such there be) of the by-law, and such certificate is to be attached to the cheque drawn by the said trustees.

Trusts of  
debentures.

**36.** The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of them shall be as valid and binding as if the three had joined therein.

Fees to trustees.

**37.** Any municipality through which the said railway may pass, is empowered to grant, by way of gift, to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway and the said railway company shall have power to accept gifts of land from any government, or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Municipality  
may give lands  
to company.

**38.** It shall further be lawful for the council of any municipality in which any part of the said railway is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either

Municipality  
may exempt  
from taxation,  
&c.

wholly or in part from municipal assessment and taxation, or to agree to a certain sum per annum or otherwise in gross, by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein. 5

and extend  
time for com-  
pletion of  
work,

**39.** It shall and may be lawful for the council of any municipality which shall have granted a bonus to the said railway company, and they shall have full power to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonus. 10

and contri-  
bute or pay  
expenses of  
submitting by-  
law,

**40.** It shall be lawful for the council of any municipality interested in the said railway, without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such municipality, to bear all or part of the costs, charges, and expenses, of and incidental to the submission of any by-law to the qualified voters of such municipality, for granting a bonus to the said company, or any such council may (without such formalities as aforesaid) give the said company a bonus for or on account of such costs, charges, and expenses, provided that no one such bonus shall exceed one thousand dollars. 15 20

and agree  
with company  
as to expendi-  
ture of bonus.

**41.** Whenever any municipality shall aid, loan, guarantee, or give money or bonds by way of bonus, to aid the construction or maintenance of the said railway, or otherwise to aid the said company, it shall be lawful for the said company to enter into a valid agreement with such municipality, binding the said company to expend the whole of such aid so given, upon the works of the said railway, within the limits of the municipality granting the same. 25 30

Issue of bonds.

**42.** The directors of the company, after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, or any general meeting, shall have power from time to time to issue mortgage bonds made and signed by the president or vice-president, and countersigned by the secretary, and under the seal of the company, for such sums payable at such times and in such manner, at such places, and with coupons thereto attached, bearing interest at such rate payable, at such places and in such manner as the directors may deem advisable, to any amount not exceeding five thousand dollars lawful money of Canada, or its equivalent in sterling money of Great Britain, for each mile of the main line of the railway from time to time constructed, which said mortgage bonds when issued, shall, without registration or formal conveyance be taken and be considered to be a first and preferential claim and charge upon the franchises, undertaking, and real property of the company, including its rolling stock and equipments, existing at the time of such issue or issues, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata* with all the other holders thereof upon the said franchises, undertaking, and property of the said company as aforesaid, and in the event at any time of the interest upon the said bonds remaining unpaid and owing 35 40 45 50 55



after the time for payment of the same, or of any part thereof, shall have elapsed, then at the next ensuing annual general meeting of the shareholders of the said company all holders of such bonds on which the interest is in arrear and unpaid as aforesaid, shall have and possess the same rights, privileges, and qualifications for directors and for voting as are possessed by shareholders; provided that the bonds and any transfers thereof, shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

43. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may issue for the construction or maintenance of the Railway under the authority of this Act.

Company may borrow money on bonds.

44. The said company shall have power and authority to make, draw, endorse, accept and become parties to promissory notes and bills of exchange, and every promissory note and bill of exchange made, endorsed, drawn or accepted by the President or Vice-President of the Company, and countersigned by the Secretary of the company under the authority of a quorum of the directors shall be binding on the said company, and shall be presumed to have been made with the proper authority until the contrary is shewn; and it shall not be necessary to affix the seal of the company to any such bill or note nor shall the President, Vice-President or Secretary be individually responsible for the same unless the same shall have been issued without the sanction and authority of the directors as herein provided: Provided, however, that nothing herein contained shall be construed to authorize the said company to issue any promissory note or bill of exchange intended to be circulated as money or in like manner as the notes and bills of a bank.

Company may make promissory notes and bills of exchange, etc.

45. The said company for the purpose of facilitating the said undertaking, and the traffic in connection therewith, shall have power to purchase, build, fit, complete and charter, sell or dispose of work, control and keep in repair steamboats, steam-tugs, barges and other vessels to ply in connection with the said railway or otherwise.

Power to build steamboats, etc.

46. The said company shall have power to purchase and hold such land as may be required at each extremity of the said railway for the purpose of building thereon, storehouses, warehouses, engine-houses, wharves, elevators and other erections for the uses of the said company, and the same or any portion thereof, in their discretion to sell and convey, and also to make use for the purposes of the said railway, of the water of any stream or water-course at, or near which the said railway passes, doing, however, no unnecessary damage thereto, or to the owner thereof, and not impairing the usefulness of such stream or water-course.

Company may hold and acquire lands for certain purposes.

47. Whenever the said company can obtain the whole of any lot or parcel of land over which the railway is to be carried, at a more reasonable price or to greater advantage than by purchasing the railway line, only the company may purchase, hold and enjoy the whole of such lot or parcel, and may sell and convey the same or any part thereof from time to time as they may deem it expedient.

Company may buy whole lot instead of right of way.



Company may  
take lands for  
gravel, etc.

**48.** The said company may, in the manner, and upon the like terms and conditions as are provided in the railway Act for obtaining the lands necessary for the purposes of the construction of the said railway take, obtain and hold any lands on which is situated any stone, gravel or other material required for the construction or maintenance of the said railway, and the fee simple therein or only the right to take such material for any time they may think necessary as they shall see fit, and in case they cannot agree with the owner or owners thereof as to the compensation to be paid therefor the proceedings shall be as directed in the said Railway Act, save that instead of the deposit of the map or plan and notice thereof, as provided by the nineteenth section of the said Railway Act, the said company shall cause a Provincial Land Surveyor to make a map and description of the lands so acquired or from which such material is to be taken, and shall serve a copy thereof with the notice and affidavit required by section twenty of the said Railway Act in the manner therein provided. And thereafter may proceed as in the said Act is directed with the same effect as would be obtained in a case contemplated by the said Railway Act if all the requirements thereof had been duly observed, and if such gravel stone or other material be at a distance from the line of railway, the said company may lay down and maintain the necessary siding and tracks over any intervening lands whatever the distance may be and all the provisions of the said Railway Act except such as relate to filing plans, and notice thereof shall apply and may be used and exercised to obtain the right of way from the line of railway to the lands over which such materials are situated, and such right may be acquired for a term of years or less period, or permanently as the company may think proper; and the powers in this section may be used and exercised by the said company after the said railway is constructed for the purpose of repairing and maintaining the said railway.

Telegraph  
lines.

**49.** For the purpose of constructing, working, and protecting the said railway; the said company may construct, work, and maintain a telegraph line or lines along their line of railway and in connection therewith, and such telegraph line or lines shall be considered as an adjunct to the said railway, and the said company shall in respect and for the working and protection thereof, have the powers conferred on Electric Telegraph Companies by the Statutes of the Dominion of Canada in that behalf.

Leasing rolling  
stock.

**50.** The said railway company shall have power to lease from any Equipment Company or other body or person or persons, any rolling stock that may be required for use on the road.

Collecting  
back charges  
on freight.

**51.** The said company shall have power to collect and receive all charges, subject to which goods or freight of any kind may come into their possession, and shall have the same lien for such back charges as the person, or persons or corporation to whom they were originally due without any formal transfer thereof, and on payment by them of such charges to any other company or any prior possessor of the said goods for transit, the said company shall have all the rights and remedies of any such other company and person for the collection of the same.

**52.** The said company may erect snow fences along their line after the first day of November in any year, and maintain the same until the first day of April following, and may enter on any lands necessary for that purpose, and shall remove all such fences not later than the first day of April aforesaid.

**53.** The said railway shall be commenced within two years, and finally completed within four years after the passing of this Act.

Commencement and completion of railway.

### SCHEDULE A.

Know all men by these presents that I (or we) (*insert names residences and occupations of the vendors*), in consideration of dollars paid to me (or us) by the "The Whitby and Bobcaygeon Extension Railway Company," do grant convey and release unto the said company all that (or those) certain parcel or tract of land and premises situate (*insert description of property*) the same having been selected by the said company, for the purposes of their said railway, to hold the same unto the said "The Whitby and Bobcaygeon Extension Railway Company," their successors and assigns and to their use for ever (or as the case may be) (*here insert any other clauses covenants or conditions required*), and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of A.D. 18 .  
Signed, sealed and delivered }  
in the presence of }

### SCHEDULE B.

(See Section 35.)

*Chief Engineer's Certificate.*

WHITBY AND BOBCAYGEON EXTENSION RAILWAY COMPANY'S  
OFFICE.

No. *Engineer's Department,* 187

Certificate to be attached to cheques drawn on the *Whitby and Bobcaygeon Extension Railway* Municipal Trust Fund, account given under section of Victoria, cap.

I, A. B., Chief Engineer of the *Whitby and Bobcaygeon Extension Railway* Company, do hereby certify that the said Company has fulfilled the terms and conditions necessary to be fulfilled under the by-law, No. of the Township of (or under the agreement, dated the day of , between the Corporation of and the Company), to entitle the said Company to receive from the said trust the sum of (*here set out the terms and conditions if any, which have been fulfilled*).

*Chief Engineer.*

BILL.

An Act to incorporate The *Whitby and Bobcaygeon Extension* Railway Company.

*(Reprinted as Amended.)*

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First Reading, 24th January, 1878.

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*(PRIVATE BILL.)*

MR. WILSON.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO.



An Act to Incorporate the *Whitby and Bobcaygeon Extension Railway Company*.

WHEREAS the construction of a railway from some point within or near the Town of Lindsay to some point in or near the Village of Bobcaygeon, and connecting at or near the said Town of Lindsay, with one or more of the railways now built and in operation to the said Town is desirable for the public convenience and accommodation of the inhabitants and for the development of the resources of that section of the province ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Mossom Boyd, C. R. Stewart, George Bick, W. B. Read, Charles Fairbairn, Alexander Orr, John Aiken, Samuel Crabtree, William Snowden, John Junkin, W. Thurston, Irvine Junkin, Jabez Thurston, Wellington Blewitt, James Oliver, Maurice Hartnett, William Playfair, Elijah Bottom, John Petrie, Peter H. Murdock, James S. Cairnduff, James Hicks, John L. Read, John Dobson, John Knowlson, Thomas Keenan, J. W. Dunsford, Wm. McDonnell, James Deacon, Adam Hudspeth, W. L. Russell, John McLennan, and C. L. Baker, together with such other persons and corporations as shall in pursuance of this Act become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "*The Whitby and Bobcaygeon Railway Extension Company*," and the said Mossom Boyd, C. R. Stewart, George Bick, W. B. Read, Charles Fairbairn, Alexander Orr, John Aiken, Samuel Crabtree, William Snowden, John Junkin, W. Thurston, Irvine Jenkin, Jabez Thurston, Wellington, Blewitt, James Oliver, Maurice Hartnett, William Playfair, Elijah Bottom, John Petrie, Peter H. Murdock, James S. Cairnduff, James Hicks, John L. Reid, John Dobson, John Knowlton, Thomas Keenan, J. W. Dunsford, William McDonnell, James Deacon, Adam Hudspeth, W. L. Russell, John McLennan, and C. L. Baker, shall be and are hereby constituted the Board of Provisional Directors of the said company.

2. The several clauses of the Railway Act of Ontario, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "dividends," "shares and their transfer," "shareholders," "powers of municipalities," "by-laws, notices, &c.," "working of the railway," "actions for indemnity and fines, and penalties, and their prosecution," and "general provisions," shall

be incorporated with and deemed to be a part of this Act, and shall apply to the said Company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof and the expression, "this Act," when used herein shall be understood to include the clauses of the said Railway Act of Ontario, so incorporated with this Act. 5

Power to construct railway from Lindsay to Bobcaygeon.

3. The said company shall have full power under this Act to construct a railway from some point within or near the Town of Lindsay to some point within or near the Village of Bobcaygeon, and to connect at or near the said Town of Lindsay, with one or more of the railways now built and in operation to the said Town. 10

Guage.

4. The said railway shall be of the guage of four feet eight and one half inches. 15

Company may lease road or rolling stock and make agreements with other Railway Companies for working the Railway.

5. It shall be lawful for the said company to enter into any agreement with the Whitby, Port Perry and Lindsay Railway Company for leasing the railway or any part thereof, or the use thereof to the said the Whitby, Port Perry and Lindsay Railway Company, or for leasing or hiring from the said other company, locomotives, or other rolling stock, and generally to make any agreement or agreements with such other company touching the use by one or the other or by both companies of the railway or moveable property of either or of both or of any part thereof or touching any service to be rendered by one company to the other and the compensation *therefor*; and any such agreement shall be valid and binding and shall be enforced by courts of law, according to the terms and tenor thereof, and any such company or any individual *accepting* and executing such lease or agreement shall be and is hereby empowered to exercise, so far as the same are applicable, all the rights, powers and privileges by this Act conferred: 20 25 30

All such agreements binding,

Where sanctioned by shareholders.

Provided that every such lease or agreement shall have been first sanctioned at a special general meeting of the shareholders, called for the purpose of considering the same, under the provisions of this Act and then by a vote to that end of two-thirds of the shareholders present either in person or by proxy. 35

Form of conveyances of land to the Company.

6. Conveyances of lands to the said company for the purposes of and under the powers given by this Act, may be in the form provided in schedule A appended to this Act or to the like effect, and shall be sufficient conveyance to the said company, their successors and assigns of the estate and interest and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required by the Registry Act; and no registrar shall be entitled to demand or receive more than seventy-five cents for registering the same, inclusive of all entries and certificates thereof, and certificates endorsed on the duplicate thereof. 40 45 50

Provisional Directors.

7. The said provisional directors, until others shall be elected as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring therein; to associate with themselves not more than six other persons, who upon being so named and consenting thereto, shall be and 50

become provisional directors of the company equally with the said provisional directors ; to open stock books and procure subscriptions of stock for the undertaking ; to make a call or calls upon the shares so subscribed, to receive payments for stock, to sue for and recover the same ; to call a meeting or meetings of the subscribers thereto for the election of other directors as hereinafter provided ; and to receive grants, loans, bonuses and gifts made to the company ; and the said directors or a majority of them or the board of directors to be elected as herein-  
 10 after mentioned, may in their discretion exclude from subscribing and refuse to accept as a shareholder any person who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act ; and if at any time more than the whole  
 15 stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they may deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may in their discretion exclude any  
 20 one or more of the said subscribers if in their judgment this will best secure the building of the said railway.

Their powers.

8. The meetings of the provisional directors shall be held in the Village of Bobcaygeon, unless they shall otherwise at any time direct and may be called by any three of them and  
 25 those present at any such meeting shall be a quorum.

Meeting of provisional directors.

9. The capital stock of the said company shall be sixty thousand dollars (with power to increase the same as provided by the said Railway Act of Ontario,) and shall be divided into twelve hundred shares, of fifty dollars each, and shall be raised and  
 30 paid by the persons and corporations who may become shareholders in the said company, and the money so raised and paid shall be applied in the first place to the payment and discharge of all fees, expenses, and disbursements payable for or incurred in the procuring of the passing of this Act, in the procuring  
 35 stock to be taken, and in the organization of the said company, and in the making of the surveys, plans, and estimates connected with the works hereby authorised, and the remainder of such monies shall be applied to the making, equipment, and completion of the said railway, and in and for the other purposes of  
 40 this Act.

Capital stock

Application of moneys received from shareholders

10. Calls upon the subscribed stock may be made by the directors for the time being, as they shall see fit ; provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, nor with  
 45 intervals of less than thirty days between the calls.

Calls.

11. It shall be lawful for the provisional or elected directors of the said company to receive and accept payment in full for stock or any sum on account thereof from any subscriber or subscribers thereof, at the time of subscription, or at any time  
 50 before it is due and payable.

Stock may be paid in full.

12. So soon as shares to the amount of ten thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank, having an office in the Town of Lindsay, the said provi-

First meeting for election of directors.



sional directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said company.

If directors neglect how first meeting may be called.

**13.** *If in* any case the provisional directors neglect to call such meeting for the space of three months next after the time when 5 the same might have been so called as aforesaid, such meeting may be called by any five of the shareholders who are collectively shareholders, to the amount of one thousand dollars or upwards, and who have paid up all calls on their stock.

Notice of first meeting.

**14** In *either* case notice of the time and place of holding such 10 general meeting shall be given by publication in the *Ontario Gazette*, and in one local newspaper published either at the Village of Bobcaygeon, or at the Town of Lindsay, once in each week for the space of at least two weeks next preceding the day so appointed for holding such meeting, and such meeting 15 shall be held at the Village of Bobcaygeon, at such place therein and on such day as may be named in such notice, and may be adjourned from day to day, or from time to time as the case may require, until the business thereof is concluded; and at such general meeting, the shareholders present or represented 20 by proxy, who have paid all calls on their stock as aforesaid, shall choose five persons to be the directors of the said company and may also make or pass such rules, regulations, and by-laws as may be deemed expedient and are not inconsistent with this Act, and may transact such other business as the interests of 25 the company may seem to require.

Powers of shareholders thereat.

Subsequent annual general meetings.

**15.** Thereafter the annual general meeting of the shareholders of the said company shall be held at such place and time as the by-laws of the said company shall direct, and in default of any such provision by by-law such meeting shall be held at 30 the Village of Bobcaygeon, on the first Tuesday in February in each year, at such hour and at such place in the said village as may be named in the notice of such meeting.

Qualification of directors.

**16.** No person shall be qualified to be elected a director in the said company by the shareholders unless he be a share- 35 holder, holding at least four shares of stock in the company, and shall have paid up all calls thereon.

Special general meetings how called.

**17.** Special general meetings of the said shareholders may be held at such times and places and in such manner as *the* by-laws of the said company may direct or as may from time to time 40 be ordered by the directors for any purpose or purposes to be named in the notice of such meeting.

Notice of general or special meetings.

**18.** Notice of all general or special meetings of the shareholders of the said company shall be given for such period and in such manner as shall be directed by the by-laws of the said 45 company, and, in default of such direction, notice thereof shall be given in the manner hereinbefore provided with respect to the first general meeting of said shareholders.

Scale of votes of shareholders.

**19.** The number of votes to which each shareholder shall be entitled on every occasion when the votes of the shareholders 50 are to be given shall be equal to the number of shares held by such shareholder and *on* which all calls have been paid up at least one week before the day appointed for any such meeting.

**20.** At all meetings of the shareholders the stock held by municipal and other corporations may be represented by such person as they shall respectively have appointed for that purpose by by-law, and such person shall at all such meetings be entitled like other shareholders to vote by proxy.

Stock held by municipalities and corporations, how represented.

**21.** The majority in number of the directors so to be elected as aforesaid shall be a quorum, competent to use and exercise all and any of the powers vested in such directors.

Quorum of directors.

**22.** In case it shall happen at any time that an election of directors be not made when the same should have been made the company shall not for that reason be deemed to be dissolved, but it shall be lawful to hold and make an election of directors at any special meeting called for that purpose, and the directors in office shall remain so until their successors shall have been appointed.

Failure to elect directors at proper time.

**23.** The said company may receive from any Government or any person or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of bonus, gift or loan, in money or debentures or other securities for money, or by way of guarantee, on such terms and conditions as the said company and any such person or corporation may agree upon.

Company may receive aid.

**24.** And it shall further be lawful for any municipality, or any portion of any township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the said Company shall pass or be situate, to aid and assist the said Company by loaning or guaranteeing, or giving, money by way of bonus or other means to the Company, or issuing municipal bonds to, or in aid of the Company, and otherwise in such manner, and to such extent as such municipality shall think expedient.

Aid from municipalities.

**25.** Provided always, that when said bonds or debentures are granted by a portion of a township municipality, the bonds or debentures so granted, shall be the bonds or debentures of the township municipality, and that no such aid, loan, bonds or guarantee shall be given, except after passing of by-laws for the purpose, and the adoption of such by-laws by the ratepayers as provided in the Municipal Act for the creation of debts.

Aid from portions of townships.

**26.** In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act.

Petition for aid.

**27.** In case either fifty or a majority in number of the persons, rated on the last revised assessment roll of any municipality, other than a county municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition express the desire of the said petitioners, to aid in the construction of the said railway, by giving a bonus to the said Company, and stating the amount which they so desire to grant and be assessed

Upon petition the council to submit by-law to ratepayers.



for, the council of such municipality shall within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if either fifty or a majority in number of the persons, who are qualified voters as aforesaid, in any portion of the said township municipality do petition the council of any municipality, to pass a by-law defining in such petition the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway, by granting a bonus to the said Company, and stating the amount which they desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law and submit the same to the approval of the qualified voters of the said portion of such township municipality;

(1.) For raising the amount so petitioned for by such freeholders in such municipality or portion of the municipality, by the issue of debentures of the municipality, payable in twenty years, or by annual instalments of principal with interest, and for the delivery to the trustees of the debentures for the amount of the said bonus at the time and on the terms specified in said petition;

(2.) For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate, as near as may be sufficient to include a sinking fund for the repayment of the debentures, with interest thereon, or for the payment of the said yearly instalments and interest, said interest to be payable yearly or half-yearly.

First passing  
of the by-law.

**28.** And in case such by-law be approved or carried by the majority of the votes given thereon then, within one month after the date of such voting, the said council shall read the said by-law a third time and pass the same.

Issuing the  
debentures.

**29.** And within one month after the passing of such by-law, the said council and the warden, mayor, reeve or other head thereof, or other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed, or to be appointed under this Act.

Levying rate  
where aid  
granted by a  
portion of the  
municipality.

**30.** In case any bonus be so granted by a portion of a municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion only of the municipality.

Application of  
the municipal  
Acts.

**31.** The provisions of the Municipal Acts, so far as the same are not inconsistent with this Act, shall apply to any by-law passed by, or for a portion of a municipality, to the same extent as if the same had been passed by, or for the whole municipality.

Rule not to  
exceed three  
cents on the \$.

**32.** All by-laws to be submitted to such vote for granting bonuses to the said Company, not requiring the levy of a greater annual rate for all purposes, exclusive of school rates, than three cents on the dollar of the ratable property affected thereby, shall be valid.

County may  
give their de-  
bentures in ex-

**33.** The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid



of the railway company and give in exchange therefor, to the said township or to the said *Railway Company*, a like amount of debentures of the said county on a resolution to that effect being passed by the county council, and the township municipality shall, in such case, keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

change for  
Township  
debt.

**34.** Whenever any municipality, or portion of a township municipality, shall grant aid, by way of bonus or gift, to the said Company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named—one by the Lieutenant-Governor in Council, one by the said Company, and one by the majority of the councils of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario: Provided, if the municipal councils interested shall refuse or neglect to name a trustee within four weeks after notice in writing to them of the appointment by the Company, then the Company shall be at liberty to name such trustee; in the event of the death, resignation, or inability or refusal to act of any trustee, the party who originally appointed such trustee so dying, resigning, or become incapable or unwilling to act, may appoint a successor; and in the event of such party failing for two weeks after notice in writing to make such appointment, the Company may appoint such trustee.

Municipal  
debentures;  
delivery to  
trustees.

**35.** The said trustees shall receive the said debentures in trust; firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks of the Dominion, in the name of the *Whitby and Bobcaygeon Extension Railway Company*, Municipal Trust Account, and to pay the same unto the Company from time to time, on the certificate of the Chief Engineer of the said Company, in the form set out in the Schedule B hereto, or to the like effect, setting out how the money is to be applied, and that the sum so certified for is in pursuance of the terms and conditions (if such there be) of the by-law, and such certificate is to be attached to the cheque drawn by the said trustees.

Trusts of  
debentures.

**36.** The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of them shall be as valid and binding as if the three had joined therein.

Fees to trustees.

**37.** Any municipality through which the said railway may pass, is empowered to grant, by way of gift, to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway and the said railway company shall have power to accept gifts of land from any government, or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Municipality  
may give lands  
to company.

**38.** It shall further be lawful for the council of any municipality in which any part of the said railway is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either

Municipality  
may exempt  
from taxation,  
&c.

wholly or in part from municipal assessment and taxation, or to agree to a certain sum per annum or otherwise in gross, by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein. 5

and extend  
time for com-  
pletion of  
work,

**39.** It shall and may be lawful for the council of any municipality which shall have granted a bonus to the said railway company, and they shall have full power to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonus. 10

and contri-  
bute or pay  
expenses of  
submitting by-  
law,

**40.** It shall be lawful for the council of any municipality interested in the said railway, without complying with the requirements of any Act providing for the creation of debts by municipal corporations, on behalf of such municipality, to bear all or part of the costs, charges, and expenses, of and incidental to the submission of any by-law to the qualified voters of such municipality, for granting a bonus to the said company, or any such council may (without such formalities as aforesaid) give the said company a bonus for or on account of such costs, charges, and expenses, provided that no one such bonus shall exceed one thousand dollars. 15 20

and agree  
with company  
as to expendi-  
ture of bonus.

**41.** Whenever any municipality shall aid, loan, guarantee, or give money or bonds by way of bonus, to aid the construction or maintenance of the said railway, or otherwise to aid the said company, it shall be lawful for the said company to enter into a valid agreement with such municipality, binding the said company to expend the whole of such aid so given, upon the works of the said railway, within the limits of the municipality granting the same. 25 30

Issue of bonds.

**42.** The directors of the company, after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, or any general meeting, shall have power from time to time to issue mortgage bonds made and signed by the president or vice-president, and countersigned by the secretary, and under the seal of the company, for such sums payable at such times and in such manner, at such places, and with coupons thereto attached, bearing interest at such rate, payable at such places and in such manner as the directors may deem advisable, to any amount not exceeding five thousand dollars lawful money of Canada, or its equivalent in sterling money of Great Britain, for each mile of the main line of the railway from time to time constructed, which said mortgage bonds when issued, shall, without registration or formal conveyance be taken and be considered to be a first and preferential claim and charge upon the franchises, undertaking, and real property of the company, including its rolling stock and equipments, existing at the time of such issue or issues, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata* with all the other holders thereof upon the said franchises, undertaking, and property of the said company as aforesaid, and in the event at any time of the interest upon the said bonds remaining unpaid and owing 35 40 45 50 55



after the time for payment of the same, or of any part thereof, shall have elapsed, then at the next ensuing annual general meeting of the shareholders of the said company all holders of such bonds on which the interest is in arrear and unpaid as aforesaid, shall have and possess the same rights, privileges, and qualifications for directors and for voting as are possessed by shareholders; provided that the bonds and any transfers thereof, shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

43. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may issue for the construction or maintenance of the Railway under the authority of this Act.

*Company may borrow money on bonds.*

44. The said company shall have power and authority to make, draw, endorse, accept and become parties to promissory notes and bills of exchange, and every promissory note and bill of exchange made, endorsed, drawn or accepted by the President or Vice-President of the Company, and countersigned by the Secretary of the company under the authority of a quorum of the directors shall be binding on the said company, and shall be presumed to have been made with the proper authority until the contrary is shewn; and it shall not be necessary to affix the seal of the company to any such bill or note nor shall the President, Vice-President or Secretary be individually responsible for the same unless the same shall have been issued without the sanction and authority of the directors as herein provided: Provided, however, that nothing herein contained shall be construed to authorize the said company to issue any promissory note or bill of exchange intended to be circulated as money or in like manner as the notes and bills of a bank.

*Company may make promissory notes and bills of exchange, etc.*

45. The said company for the purpose of facilitating the said undertaking, and the traffic in connection therewith, shall have power to purchase, build, fit, complete and charter, sell or dispose of work, control and keep in repair steamboats, steam-tugs, barges and other vessels to ply in connection with the said railway or otherwise.

*Power to build steamboats, etc.*

46. The said company shall have power to purchase and hold such land as may be required at each extremity of the said railway for the purpose of building thereon, storehouses, warehouses, engine-houses, wharves, elevators and other erections for the uses of the said company, and the same or any portion thereof, in their discretion to sell and convey, and also to make use for the purposes of the said railway, of the water of any stream or water-course at, or near which the said railway passes, doing, however, no unnecessary damage thereto, or to the owner thereof, and not impairing the usefulness of such stream or water-course.

*Company may hold and acquire lands for certain purposes.*

47. Whenever the said company can obtain the whole of any lot or parcel of land over which the railway is to be carried, at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold and enjoy the whole of such lot or parcel, and may sell and convey the same or any part thereof from time to time as they may deem it expedient; but the compulsory clauses of the Railway Act shall not apply to this section.

*Company may buy whole lot instead of right of way.*



Company may  
take lands for  
gravel, etc.

48. The said company may, in the manner, and upon the like terms and conditions as are provided in the railway Act for obtaining the lands necessary for the purposes of the construction of the said railway take, obtain and hold any lands on which is situated any stone, gravel, *earth or sand* required for the construction or maintenance of the said railway, and the fee simple therein or only the right to take such material for any time they may think necessary as they shall see fit, and in case they cannot agree with the owner or owners thereof as to the compensation to be paid therefor the proceedings shall be as directed in the said Railway Act, save that instead of the deposit of the map or plan and notice thereof, as provided by the nineteenth section of the said Railway Act, the said company shall cause a Provincial Land Surveyor to make a map and description of the lands so acquired or from which such material is to be taken, and shall serve a copy thereof with the notice and affidavit required by section twenty of the said Railway Act in the manner therein provided. And thereafter may proceed as in the said Act is directed with the same effect as would be obtained in a case contemplated by the said Railway Act if all the requirements thereof had been duly observed, and if such gravel stone, *earth or sand* be at a distance from the line of railway, the said company may lay down and maintain the necessary siding and tracks over any intervening lands whatever the distance may be and all the provisions of the said Railway Act except such as relate to filing plans, and notice thereof shall apply and may be used and exercised to obtain the right of way from the line of railway to the lands on which such materials are situated, and such right may be acquired for a term of years or less period, or permanently as the company may think proper; and the powers in this section may be used and exercised by the said company after the said railway is constructed for the purpose of repairing and maintaining the said railway.

(2.) In estimating the damages for the taking of gravel, stone, earth or sand, sub-section eight of section twenty of the Act respecting Railways shall not apply.

Telegraph  
lines.

49. For the purpose of constructing, working, and protecting the said railway; the said company may construct, work, and maintain a telegraph line or lines along their line of railway and in connection therewith, and such telegraph line or lines shall be considered as an adjunct to the said railway, and the said company shall in respect and for the working and protection thereof, have the powers conferred on Electric Telegraph Companies by the Statutes of the Dominion of Canada in that behalf.

Leasing rolling  
stock.

50. The said railway company shall have power to lease from any Equipment Company or other body or person or persons, any rolling stock that may be required for use on the road.

Collecting  
back charges  
on freight.

51. The said company shall have power to collect and receive all charges, subject to which goods or freight of any kind may come into their possession, and shall have the same lien for such back charges as the person, or persons or corporation to whom they were originally due without any formal transfer thereof, and on payment by them of such charges to any other company or any prior possessor of the said goods for

transit, the said company shall have all the rights and remedies of any such other company and person for the collection of the same.

- 52.** The said company may erect snow fences along their line after the first day of November in any year, and maintain the same until the first day of April following, and may enter on any lands necessary for that purpose, and shall remove all such fences not later than the first day of April aforesaid. Snow fences.
- 10 53.** The said railway shall be commenced within two years, and finally completed within four years after the passing of this Act. Commencement and completion of railway.

#### SCHEDULE A.

Know all men by these presents that I (or we) (*insert names residences and occupations of the vendors*), in consideration of dollars paid to me (or us) by the "The Whitby and Bobcaygeon Extension Railway Company," do grant convey and release unto the said company all that (or those) certain parcel or tract of land and premises situate (*insert description of property*) the same having been selected by the said company, for the purposes of their said railway, to hold the same unto the said "The Whitby and Bobcaygeon Extension Railway Company," their successors and assigns and to their use for ever (or as the case may be) (*here insert any other clauses covenants or conditions required*), and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of A.D. 18 .  
 Signed, sealed and delivered }  
 in the presence of }

#### SCHEDULE B.

(See Section 35.)

#### Chief Engineer's Certificate.

WHITBY AND BOBCAYGEON EXTENSION RAILWAY COMPANY'S  
OFFICE.

No. *Engineer's Department*, 187

Certificate to be attached to cheques drawn on the *Whitby and Bobcaygeon Extension Railway Municipal Trust Fund*, account given under section of Victoria, cap.

I, A. B., Chief Engineer of the *Whitby and Bobcaygeon Extension Railway Company*, do hereby certify that the said Company has fulfilled the terms and conditions necessary to be fulfilled under the by-law, No. of the Township of (or under the agreement, dated the day of , between the Corporation and the Company), to entitle the said Company to receive from the said trust the sum of (*here set out the terms and conditions if any, which have been fulfilled*).

Chief Engineer.

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Third Session, Third Parliament, 41 Vic., 1878.

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BILL.

An Act to incorporate The *Whitby and Bobcaygeon Extension* Railway Company.

(*Reprinted as Amended.*)

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First Reading, 28th January, 1878.

Second " 18th February, 1878.

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(*PRIVATE BILL.*)

Mr. WILSON.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co



## An Act respecting the drainage of Lake Scugog

WHEREAS Alexander Manning, of the City of Toronto, Preamble.

William Murdoch, of the Town of Bowmanville, in the County of Durham, Civil Engineer, have prayed that they and such other person or persons as may thereafter be associated  
5 with them, may have power and authority given them to construct an embankment or solid roadway from a point on the shore of Lake Scugog, at or south of, and near to the village of Port Perry, in the township of Reach, to the opposite shore at some point opposite to the point of commencement, in the township  
10 ship of Scugog, and also to construct a similar embankment or solid roadway from some point on the shore of Lake Scugog, south or south-west of, and near to Cæserea, in the township of Cartwright, to the opposite shore at some point opposite the place of commencement, in the township of Scugog; to drain  
15 all the part or portion of the said Lake Scugog so to be cut off, lying to the south of the said embankment or roadways, and to vest all the lands reclaimed thereby in fee simple in the said Truman P. White, William Murdoch and Samuel John Armour, and such other person or persons as may be hereafter  
20 associated with them, their heirs and assigns for ever; and to give power to the junior judge of the county in which any land so reclaimed and taken lies, to award compensation to any owner thereof, and giving power to the petitioners to issue debentures which shall be a first charge on said lands so to be  
25 reclaimed; and it is expedient to grant the prayer of their petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 30 1.

and such other person or persons as may hereafter be associated with them, may construct a solid roadway or embankment from  
any point on the shore of Lake Scugog, at or south of, or near  
to the village of Port Perry, in the township of Reach, to the  
35 opposite shore at some point opposite to the point of commencement in the township of Scugog, and may also construct a similar embankment or solid roadway from some point on the shore of Lake Scugog, south or south-west of, and near to Cæserea in the township of Cartwright, to the opposite shore  
40 at some point opposite the place of commencement in the township of Scugog, and may drain all the part or portion of the said Lake Scugog, so to be cut off, lying to the south of the said embankments or roadways, and all the said lands so drained or reclaimed up to high water mark, round the edges of that  
46 part or portion of the said Lake Scugog so cut off, and lying

Powers to construct; and to acquire land.

south of the said roadways or embankments, shall be vested in the said

in fee simple to them, their heirs and assignees for ever.

Acts made applicable.

The provisions of "The Ontario Joint Stock Companies General Clauses Act," and the provisions of "The Ontario Drainage Act," and the portions of "The Municipal Act," relating to the aiding Road Companies and Drainage, shall extend and apply to this Act, so far as the same are not inconsistent with this Act.

10

Aid from municipalities.

2. And it shall further be lawful for any municipality or municipalities, or any county municipality or any portion of any such municipality or municipalities, or county municipality which may be interested in securing the draining or reclaiming of the said lands, or in which or near which such lands are situated, to aid and assist the said parties by loaning, guaranteeing, or giving money by way of bonus or other means to the persons named in this Act, or issuing municipal bonds to, or in aid of such persons, and otherwise in such manner and to such extent as such municipalities or any of them shall think expedient: Provided always, that no such loan, aid, bonus or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws by the ratepayers as provided in the Municipal Act for the creation of debts.

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Submitting and passing by-laws.

3. Such by-laws shall be submitted and passed in manner following, namely:

25

In the case of a county municipality by the county council, on a petition of a majority of the reeves and deputy-reeves or of one hundred resident freeholders, who may be duly qualified voters under the Municipal Act;

30

In the case of other municipalities and of sections of such municipalities, by the councils of such municipalities on the petition of the majority or of fifty resident freeholders, duly qualified voters as aforesaid.

Exemption from taxation.

4. It shall be further lawful for the corporation of any municipality in which any of the said lands lie, by by-law specially passed for that purpose, to exempt the lands lying in such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years.

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Compensation.

5. Any owner of lands so reclaimed may make claim for compensation therefor, and in case he and the parties hereinbefore named cannot agree, may refer the matter to the junior judge of the county in which such lands shall be situate, who shall award such compensation as to him shall seem just and proper, and shall make his award in writing therefor, such compensation to be paid at the end of three years, from the time the said award is made, and to be a lien or charge on the land for which such compensation is awarded till paid.

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6. The said persons shall have power and authority to issue Debentures.  
debentures to an amount not exceeding  
, which debentures shall be a first charge on the  
said lands, and may be made payable at any period not exceed-  
5 ing twenty years, and may bear any rate of interest therein  
expressed.

7. The works to be carried out under this Act, shall be com- Commence-  
menced within one year after the passing of this Act, and be and comple-  
tion.  
completed within seven years.



Third Session, Third Parliament, 41 Vic., 1878.

BILL.

An Act respecting the drainage of Lake  
Seuogog.

First Reading,	1878.
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(*PRIVATE BILL.*)

Mr. DAWSON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

## An Act respecting the Public Service of Ontario.

HER MAJESTY, by and with the advice and consent of the Legislature of Ontario, enacts as follows :

1. The Departmental Staff of the Civil Service of Ontario\* Two divisions of staff of Civil Service.  
at the seat of Government, shall consist of two divisions, that  
is to say: the "Ordinary Division," and the "Special Division."

2. The Special Division shall include all those offices, Special division; two classes thereof. Sec. 3.  
whether now existing or hereafter to be created, which require  
for their exercise some skill usually acquired only in some professional or other pursuit, different from the Civil Service, and shall consist of two classes, that is to say, Officers and Clerks.

3. The Ordinary Division shall include all those offices, Ordinary division. Sec. 4, and 31 Vic. chap. 34 (Dom. Act), s. 1.  
whether now existing or hereafter to be created, which are not comprised in the Special Division, and shall consist of The  
Deputy Heads of Departments, Officers or Chief Clerks, Clerks, and Probationary Clerks.

4. Clerks in the Ordinary Division shall be divided into four classes. Four classes of clerks in ordinary division. Salaries and promotion.

A fourth class clerk shall receive a salary of not more than  
four hundred dollars for his first year's service as such, and may thereafter have an annual increase of fifty dollars per annum until his salary is six hundred and fifty dollars per annum, but he shall not be eligible for promotion into the third class until after four years' service in the fourth class.

A third class clerk shall receive a salary of not more than Chap. 34, s. 8 & 9 & 10.  
seven hundred dollars for his first year's service as such, and may thereafter have an annual increase of fifty dollars per annum until his salary is nine hundred and fifty dollars per annum, but he shall not be eligible for promotion into the second class, until after five years' service in the third class; but no clerk shall from having served four years in the fourth class, or from having served five years in the second class, be absolutely entitled to promotion into the next higher class.

A second class clerk shall receive a salary of not more than  
one thousand dollars for his first year's service as such, and may have an annual increase of fifty dollars per annum until his salary is one thousand two hundred dollars per annum, but he shall be eligible for promotion into the first class at any period of his service in the second class.

A first class clerk shall receive a salary of not more than  
one thousand two hundred dollars per annum, and may have an annual increase of fifty dollars per annum until his salary is one thousand four hundred dollars per annum, but if any

\* Act of the Colony of Victoria. See Appendix to Journals H. C. Canada, vol. 11, No. 7, 1877.

clerk promoted into the first class has at the time of such promotion a higher salary than *one thousand two hundred dollars* per annum, he shall continue to receive such salary until by length of service in the first class, he has a right to that amount as a first class clerk, from which time he shall receive an annual increase of *fifty dollars* per annum until his salary is *one thousand four hundred dollars* per annum, and he shall be eligible for promotion at any period of his service in the first class.

Suspension of salary.  
Sec. 1.

No clerk shall have an absolute right to the annual increase of salary authorised by this Act, but the same may be suspended and subsequently restored by the head of the department but without payment of arrears.

Terms of payment.

The annual increase of salary shall be payable from the first day of the quarter next succeeding the date at which, from his length of service any clerk may be eligible for such increase.

In case of promotion the increase of salary shall become payable from the first day of the month next succeeding the date at which such promotion took place.

Salaries in special division.

Officers and clerks in the Special Division shall receive such salaries respectively as may be assigned to them by Order in Council, and voted by the Legislature.

#### APPOINTMENTS.

Appointments and promotion how made.  
Sec. 4.

5. No appointment or promotion shall be made except under the authority of the Lieutenant-Governor in Council upon the application and report of the Head of the Department in which it is to be made.

Office during pleasure.  
Sec. 5.

6 Every appointment, whether by commission or otherwise shall be during pleasure.

Probational employment.  
Victoria Act, s. 17.

7. Every person entering the Civil Service within the meaning of this Act shall, except as hereinafter provided, be subject to a probation of six months, and shall be conditionally employed in the lowest, or, where in the opinion of the Lieutenant-Governor in Council, special but not professional qualifications are required, he may be employed in the third class in that division of the service to which he is attached, at the minimum salary of such class.

Evidence as to character, &c.  
Sec. 18.

8. Every candidate for admission into the Civil Service shall, as a condition precedent to his nomination as a probationer, produce such evidence as the Lieutenant-Governor in Council may think sufficient as to his age, health, and moral character; and every candidate for admission into the Ordinary Division shall further pass, before examiners appointed by the Lieutenant-Governor in Council, such examination, but without competition, as the Lieutenant-Governor in Council may direct.

Examination.

Appointment of a probationer.  
Sec. 19.

9. Where any person has been conditionally employed upon probation in any office in the Civil Service, if, at the expiration of six months from the date of such employment, the head of the department in which the probationer has served, shall recommend in writing the probationer as a suitable person to be appointed an officer of the Civil Service, the Lieutenant-Governor in Council may, if he think fit, then, but not before, appoint such person.



## PROMOTION.

- 10.** Where in the Ordinary Division any vacancy occurs in any superior class, if it be expedient to fill up the vacancy, the Lieutenant-Governor in Council, except as hereinafter provided, shall promote such clerk or officer in the class first below that in which the vacancy has occurred, as he shall judge the most deserving of such promotion. Promotion in ordinary divisions. Sect. 21.
- 11.** When in the Special Division any vacancy occurs, if it be expedient to fill up such vacancy, and the Lieutenant-Governor in Council be of opinion that there is any clerk or officer of lower rank in the department where such vacancy has occurred competent to discharge the duties of the said office, he shall appoint such clerk or officer; but if in his opinion there be no such clerk or officer, then he may appoint such person as he may think fit, although not previously engaged in the Civil Service, with or without examination or probation. Promotion; or appointment in special division, without examination or probation. Sect. 22.
- 12.** Whenever it is expedient to secure for the Public Service, on the occurrence of any vacancy, the services of some person of known ability, special attainments, and technical knowledge, and to place such person immediately in some of the higher classes of the Civil Service, although such person may not have been engaged in the Civil Service of this Province, the Lieutenant-Governor in Council, anything in this Act to the contrary notwithstanding, may appoint such person accordingly, and without either examination or probation. Appointment in special cases without probation or examination. Sect. 23.
- 13.** Notwithstanding anything herein contained, any person who at any time has been or shall hereafter be employed in the Civil Service, and who has not been dismissed or called on to resign for improper conduct, may be appointed to any class in the same manner as if he had never left such service. Appointment of former employees. Sect. 25.
- 14.** Every head of the department shall furnish to the Lieutenant-Governor in Council at such times as the Lieutenant-Governor in Council may direct, reports upon the conduct and the efficiency of the officers and clerks employed in his department. Heads of Departments to report as to clerks. Sect. 26.
- 15.** There may be in each department of the Civil Service one or more officers or chief clerks who shall receive such salaries respectively as may be fixed and determined by the Governor in Council, and voted by the Legislature. Chief clerks; their salaries. Cap. 34 Sect. 12.
- 16.** If in any department there are any special duties requiring or assigned to an officer or chief clerk, an additional salary not exceeding *four hundred dollars* per annum may be given by Order in Council to one or other first class clerks in such department, who shall have the rank of chief clerk. First-class clerks, additional salary. Sect. 13.
- 17.** The Lieutenant-Governor in Council may from time to time divide any department of the Public Service into as many branches or sub-departments as may appear most convenient for the Public Service, and one of the officers or first or second Division of Departments; chief clerks of; salaries.

class clerks in such department may be appointed the chief clerk of such branch, and shall perform such duties as may be assigned to him by the head of the department, and an additional salary not exceeding *four hundred dollars* per annum may by Order in Council be paid to the person holding the position of chief clerk of such branch of said department. 5

#### DEPUTY HEADS OF DEPARTMENTS.

Deputy heads  
of Depart-  
ments;  
salaries.

**18.** The following officers shall be respectively the deputy heads of the Department to which they are attached, and shall receive such salaries respectively as may be assigned to them by the Legislature. 10

The Deputy of the Attorney-General,  
The Deputy of the Minister of Education,  
The Assistant Commissioner of Crown Lands,  
The Assistant Provincial Secretary,  
The Assistant Commissioner of Public Works,  
The Assistant Treasurer.  
The Clerk of the Executive Council, 15

Substitutes  
for deputy  
heads.

In the absence of any deputy head, the head of the department may empower any officer or chief clerk thereof to perform the duties of such deputy head. 20

Duties of  
Deputy heads,  
Sect. 14.

**19.** It shall be the duty of the deputy head of each department, and he shall have authority, subject always to the head of the department, to oversee and direct the other officers, clerks, and servants of the department. He shall have the general control of the business of the department, and such other powers and duties as may be assigned to him by the Lieutenant-Governor in Council, and in the absence of the minister and during such absence, may suspend from his duties any officer, clerk, or servant of the department who refuses or neglects to obey his directions as such deputy. 25 30

Lieut.-Gov. in  
Council to de-  
termine num-  
ber of chief  
clerks, &c.,  
and classify.  
Submission to  
Legislature.

**20.** As soon as conveniently may be after the passing of this Act, the Lieutenant-Governor in Council shall determine the number of officers or chief clerks, and the officers and clerks of each class and of each division that are required for the working of the staff of each department, and shall classify the same according to the arrangements so determined, and such classification shall be submitted to the Legislature at its next Session thereafter; and after such classification has been submitted to the Legislature no first class clerk and no officer or chief clerk in either division shall be appointed, nor shall any person be rated at any salary higher than the maximum of the first class, except (1) upon a vacancy, or (2) upon the creation of an additional first class clerkship or office or chief clerkship by special Order in Council, and upon the approval by the Legislature of the salary thereunto attached as a separate item in the estimates of the year in which such first class clerkship or office or chief clerkship is created. 35 40 45

Sect. 15.

Extra clerks,  
time of em-  
ployment,  
salary, &c.  
Sect. 19.

**21.** No extra clerk shall, except under an Order in Council, be employed in any department unless for a period not exceeding three months, for which he may be paid at a rate not ex- 50

ceeding *two dollars* per diem out of the contingencies of the department on the certificate of the head or deputy head thereof, except only that if such extra clerk be an accountant, a book-keeper, or a person of special attainments and employed as such, he may be paid at a rate not exceeding the ordinary charge for such services.

But any extra clerk may, under an Order in Council, made on the application and report of the head of the department that the same is requisite, be employed for a longer period than three months, and he shall, during such period, be borne on the pay-list of the department.

At the end of six months such extra clerk shall only be retained in the department as a probationary clerk, if nominated, examined, and appointed as such in the manner required by this Act.

#### GENERAL PROVISIONS.

**22.** No allowance or compensation shall be made for any extra services whatsoever which any officer or clerk may be required to perform in the department to which he belongs.

No compensation for extra services.  
Sect. 20.

**23.** Nothing in this Act shall prejudicially affect the salary or emolument of any officer or clerk in the Civil Service at the time of the passing of this Act so long as he shall be continued in office, nor shall anything herein contained affect any salary or emolument granted or fixed by any Act now, or which may hereafter be, in force.

Salaries of present clerks.  
Sect. 22.

No provision herein contained shall impair the power of the Lieutenant-Governor to remove or dismiss any deputy head of a department, officer or clerk.

Power of dismissal.

**24.** When the clerks on the staff of any department cannot with sufficient speed perform the duties required on any emergency, the deputy head of such department may require from the deputy heads of any other departments the temporary services of any number of clerks as may not be then actively engaged in services of their own departments, but without additional remuneration.

Aid of clerks from other Departments.  
Sect. 23.

**25.** The head of every department may at such times as may be convenient, grant to every officer or clerk leave of absence for recreation for any period or periods not exceeding in the whole three weeks in each year, and may in cases of illness or other pressing necessity grant such extended leave not exceeding twelve months, and on such terms as the Lieutenant-Governor in Council may think fit.

Leave of absence.  
Sect. 24.

**26.** When the services of any officer are dispensed with in consequence of any change in any department and not for any fault on the part of such officer, or in consequence of the age and infirmity, or ill health of such officer, such gratuity may be allowed him as shall be directed by Order in Council, but not exceeding one month's pay for each year of his service.

Gratuity on leaving for ill-health, &c.

**27.** The Lieutenant-Governor in Council may at any time on account of improper conduct or inefficiency, upon the report of the head of the department, order that any officer or clerk

Reduction to a lower class.  
Victoria Act,  
Sect. 29.



Restoration.

of one class be reduced to a lower class, and thereupon his salary shall be from the first day of the month next succeeding such order, reduced to such sum in such lower class as may be ordered, but such clerk may at any time after be restored by order of the Lieutenant-Governor in Council to the status which he had lost, and his salary may be fixed, upon such restoration, at the sum to which he would have been entitled, except for such reduction. 5

Fine for misconduct.  
Sect. 23.

**28.** If the head of the department wherein such officer or clerk is engaged, or in his absence his deputy be of opinion that the offence is not of so serious a nature, that a report thereof should in the course of his duty, be made to the Lieutenant-Governor in Council, the head of the department, or in his absence, his deputy, may for every such case of misconduct, order to be deducted by way of fine from the salary of such officer or clerk a sum not exceeding twenty dollars. 10 15

Hours of attendance.

**29.** The Lieutenant-Governor in Council may regulate the hours of attendance of the officers and clerks in any department; and when the public service demands, in case of pressure or urgency, that additional time be given, such additional time as the head of any department or in his absence the deputy head may require, shall be given by all officers and clerks, without additional compensation. 20

#### THE LAW COURTS.

Law offices.

**30.** Save as hereinafter excepted, this Act shall apply to the offices of the clerk of the crown and pleas of the courts of queen's bench, and common pleas, and to the offices of the master, registrar, and referee of the court of chancery, but nothing in this Act contained, shall prevent the appointment of a clerk or officer to any of the offices in this section mentioned in the first instance, or promotion otherwise than by this Act is provided, should the interests of the public service in the opinion of the Governor in Council require the same. 25 30

Construction of the word "department."

(2). In so far as applicable the word "department" in this Act and for the purpose of this Act shall extend to and include the offices of the courts in this section mentioned; and the Attorney-General of the Province for the time being shall be the head thereof; and the chief officer of each of the said offices shall for the purpose of this Act have and possess the same powers and authority as the deputy head of a department, but nothing herein contained shall impair or interfere with the authority or control of the courts and judges over their officers. 35 40

Examination of fitness of Sheriff, Registrar, County Court Clerk and others.

#### SHERIFFS, REGISTRARS AND CLERKS OF COUNTY COURTS.

**31.** Before the appointment of any person to the office respectively of sheriff, registrar, or clerk of a county court, or to any other office to which this section may at any time, by order in Council, be declared to apply, such person shall be subject to examination in regard to his qualification for the said office, by the judge of the county court of the county in which such person resides, or by such other person or persons as may from time to time be appointed in that behalf by the Lieutenant-Governor, and no one shall be appointed a sheriff, registrar, or clerk of a county court without a certificate from such county court judge, or such other person, that he has examined the party and finds him qualified for the office, 50 55

(2). The Lieutenant-Governor in Council may, from time to time, make regulations for such examination and certificate, and the person examining shall be entitled to receive from the person examined the fee of five dollars for every examination. Rules as to examination, fees.

#### EXAMINERS.

- 5 **32.** The Lieutenant-Governor in Council is hereby authorized from time to time and as occasion shall require : Appointment of examiner.
- (2) To appoint suitable persons for the purpose of examining and investigating into and reporting upon the knowledge, ability and fitness of candidates who present themselves upon a nomination for office or employment in the Civil Service of Ontario. Subjects of examination.
- 10 (3). To make rules and regulations to be observed by candidates for employment in the civil service and to prescribe the subjects upon which such candidates shall be examined. Rules for employees.
- 15 **33.** It shall be the duty of the person or persons appointed as examiner or examiners, to examine the candidates who present themselves upon a nomination for office, as hereinbefore mentioned, and to grant certificates of qualification of candidates whose examination as to fitness, and capacity, and knowledge have been found satisfactory. Examinations and certificates.
- 20

**34.** The Lieutenant-Governor in Council may make such rules and regulations as he may think fit for carrying the provisions of this Act into effect, and for classifying the offices and clerkships in the public service. Rules for working this Act and classifying.

- 25 **35.** Notwithstanding anything in this Act contained, any person may with the approval of the Lieutenant-Governor, be appointed as the private secretary of the head of a department, but the salary or emolument of any such person payable out of public moneys, shall not exceed the sum of *one thousand dollars per annum*, and he shall not by virtue of such appointment become a member of the Civil Service, and his appointment shall cease on the retiring of the minister who appoints him. Secretary to Head of Departments.
- 30

#### FEES AND EMOLUMENTS OF CERTAIN OFFICERS.

- 36.** Every clerk of a County Court and every registrar of a Surrogate Court, and every clerk and every bailiff of any Division Court for any city, or part thereof, shall keep a separate book in which he shall enter from day to day all fees, charges, and emoluments received by him by virtue of his office, showing the sums received by him for fees, charges, and emoluments of all kinds whatsoever, and shall, whenever required so to do, by the Lieutenant-Governor, make up to, and including the thirty-first day of December of the previous year, a return to the Lieutenant-Governor under oath, of such fees, charges, and emoluments so received by him during the said year. Clerk of Co. Court, Registrar of Surrogate, and clerk and bailiff of Division Court to make returns of fees, &c.
- 35
- 40

- 37.** The Governor in Council may from time to time, by Order, fix the maximum amount of the fees and charges which any clerk of any County Court, and which any clerk of any County Court, who is *ex-officio* registrar of the Surrogate Court, and which any clerk or bailiff of any Division Court for any city Their fees may be limited by Lieut.-Gov. in Council.
- 45

or part thereof, shall be entitled to, and to retain to his own use in any year.

Fees beyond those limited, how disposed of.

**38.** The further fees and emoluments received in each and every year by any clerk as aforesaid, or by any bailiff in respect to whom or whose office or offices such Order in Council shall be passed, fixing a maximum of fees to be retained as aforesaid, shall on the fifteenth day of January, in each year, be paid over to the Treasurer of the Province, for the uses of the Province, and at the same time such clerk shall leave with such treasurer a return under oath of all fees, charges, and emoluments received by him during the previous year up to and including the thirty-first day of December. 5 10

Appointment on vacancy in Registrarship of Surrogate Court.

**39.** On the death, resignation, or removal of the Registrar of any Surrogate Court, the Lieutenant-Governor may appoint the clerk of the County Court for the same County, or such other qualified person as he may see fit, the Registrar of such Surrogate Court. 15

#### OATHS OF OFFICE.

Oaths of office.

**40.** Immediately after the passing of this Act the deputy heads of departments and all officers or chief clerks and clerks of the Civil Service shall take and subscribe before the clerk of the Executive Council for Ontario, the Oath of Allegiance and that which is contained in Schedule A. of this Act; and the clerk of the Executive Council for Ontario shall keep a register of such oaths; and every deputy head, officer, or chief clerk, or clerk who shall hereafter be appointed, shall, before entering upon the duties of his office, take and subscribe the same oaths respectively. 20 25

Act applies to officers, &c., of House of Assembly.

**41.** This Act shall apply to the permanent officers and servants of the Legislative Assembly—saving always all legal rights and privileges of the House as respects the appointment or removal of its officers and servants or any of them. 30

“Head of Department” construction of.

**42.** In this Act the expression “Head of a Department,” means the member of the Executive Council for the time being presiding over such department.

Short title.

**43.** This Act may be cited as the Ontario Public Service Act, 1878, and shall come in force on the first day of January, 1879. 35

#### SCHEDULE “A.”

I (A. B.) solemnly and sincerely swear that I will faithfully and honestly fulfil the duties which devolve upon me as

and that I will not ask or receive any sum of money, service, or recompence, or matter, or thing whatsoever directly or indirectly in return for what I have done or may do in the discharge of any of the duties of my said office, except my salary or what may be allowed me by Law or by an Order of the Lieutenant-Governor in Council, *so help me God.*





No. 60.

Third Session, Third Parliament, 41 Vic. 1878.

BILL.

An Act respecting the Public Service of  
Ontario.

First Reading, 29th January, 1878.

(CORRECTED COPY.)

Hon. Mr. HARDY.

TORONTO:  
PRINTED BY HUNTER, ROSE & Co.

## An Act respecting the Public Service of Ontario.

HER MAJESTY, by and with the advice and consent of the Legislature of Ontario, enacts as follows :

1. The Departmental Staff of the Civil Service of Ontario at the seat of Government, shall consist of two divisions, that 5 is to say : the " Ordinary Division," and the " Special Division." Two divisions of staff of Civil Service.

2. The Special Division shall include all those offices, whether now existing or hereafter to be created, which require for their exercise some skill usually acquired only in some professional or other pursuit, different from the Civil Service, and 10 shall consist of two classes, that is to say, Officers and Clerks. Special division; two classes thereof. Sec. 3.

3. The Ordinary Division shall include all those offices, whether now existing or hereafter to be created, which are not comprised in the Special Division, and shall consist of The Deputy Heads of Departments, Officers or Chief Clerks, Clerks, 15 and Probationary Clerks. Ordinary division. Sec. 4, and 31 Vic. chap. 34 (Dom. Act), s. 1.

4. Clerks in the Ordinary Division shall be divided into four classes. Four classes of clerks in ordinary division.

A fourth class clerk shall receive a salary of not more than *four hundred dollars* for his first year's service as such, and 20 may thereafter have an annual increase of *fifty dollars* per annum until his salary is *six hundred and fifty dollars* per annum, but he shall not be eligible for promotion into the third class until after four years' service in the fourth class. Salaries and promotion.

A third class clerk shall receive a salary of not more than 25 *seven hundred dollars* for his first year's service as such, and may thereafter have an annual increase of *fifty dollars* per annum until his salary is *nine hundred and fifty dollars* per annum, but he shall not be eligible for promotion into the second class, until after five years' service in the third class; 30 but no clerk shall from having served four years in the fourth class, or from having served five years in the second class, be absolutely entitled to promotion into the next higher class. Chap. 34, ss. 8, 9 & 10.

A second class clerk shall receive a salary of not more than 35 *one thousand dollars* for his first year's service as such, and may have an annual increase of *fifty dollars* per annum until his salary is *one thousand two hundred dollars* per annum, but he shall be eligible for promotion into the first class at any period of his service in the second class.

A first class clerk shall receive a salary of not more than 40 *one thousand two hundred dollars* per annum, and may have an annual increase of *fifty dollars* per annum until his salary is *one thousand four hundred dollars* per annum, but if any



clerk promoted into the first class has at the time of such promotion a higher salary than *one thousand two hundred dollars* per annum, he shall continue to receive such salary until by length of service in the first class, he has a right to that amount as a first class clerk, from which time he shall receive an annual increase of *fifty dollars* per annum until his salary is *one thousand four hundred dollars* per annum, and he shall be eligible for promotion at any period of his service in the first class. 5

Suspension of salary.  
Sec. 1.

No clerk shall have an absolute right to the annual increase of salary authorised by this Act, but the same may be suspended and subsequently restored by the head of the department but without payment of arrears. 10

Terms of payment.

The annual increase of salary shall be payable from the first day of the quarter next succeeding the date at which, from his length of service any clerk may be eligible for such increase. 15

In case of promotion the increase of salary shall become payable from the first day of the month next succeeding the date at which such promotion took place.

Salaries in special division.

Officers and clerks in the Special Division shall receive such salaries respectively as may be assigned to them by Order in Council, and voted by the Legislature. 20

#### APPOINTMENTS.

Appointments and promotion how made.  
Sec. 4.

5. No appointment or promotion shall be made except under the authority of the Lieutenant-Governor in Council upon the application and report of the Head of the Department in which it is to be made. 25

Office during pleasure.  
Sec. 5.

6. Every appointment, whether by commission or otherwise shall be during pleasure.

Probational employment.  
Victoria Act,  
s. 17.

7. Every person entering the Civil Service within the meaning of this Act shall, except as hereinafter provided, be subject to a probation of six months, and shall be conditionally employed in the lowest, or, where in the opinion of the Lieutenant-Governor in Council, special but not professional qualifications are required, he may be employed in the third class in that division of the service to which he is attached, at the minimum salary of such class. 30 35

Evidence as to character, &c.  
Sec. 18.

8. Every candidate for admission into the Civil Service shall, as a condition precedent to his nomination as a probationer, produce such evidence as the Lieutenant-Governor in Council may think sufficient as to his age, health, and moral character; and every candidate for admission into the Ordinary Division shall further pass, before examiners appointed by the Lieutenant-Governor in Council, such examination, but without competition, as the Lieutenant-Governor in Council may direct. 40 45

Examination.

Appointment of a probationer.  
Sec. 19.

9. Where any person has been conditionally employed upon probation in any office in the Civil Service, if, at the expiration of six months from the date of such employment, the head of the department in which the probationer has served, shall recommend in writing the probationer as a suitable person to be appointed an officer of the Civil Service, the Lieutenant-Governor in Council may, if he think fit, then, but not before, appoint such person. 50

## PROMOTION.

**10.** Where in the Ordinary Division any vacancy occurs in any superior class, if it be expedient to fill up the vacancy, the Lieutenant-Governor in Council, except as hereinafter provided, shall promote such clerk or officer in the class first below that in which the vacancy has occurred, as he shall judge the most deserving of such promotion.

Promotion in ordinary divisions. Sect. 21.

**11.** When in the Special Division any vacancy occurs, if it be expedient to fill up such vacancy, and the Lieutenant-Governor in Council be of opinion that there is any clerk or officer of lower rank in the department where such vacancy has occurred competent to discharge the duties of the said office, he shall appoint such clerk or officer; but if in his opinion there be no such clerk or officer, then he may appoint such person as he may think fit, although not previously engaged in the Civil Service, with or without examination or probation.

Promotion; or appointment in special division, without examination or probation. Sect. 22.

**12.** Whenever it is expedient to secure for the Public Service, on the occurrence of any vacancy, the services of some person of known ability, special attainments, and technical knowledge, and to place such person immediately in some of the higher classes of the Civil Service, although such person may not have been engaged in the Civil Service of this Province, the Lieutenant-Governor in Council, anything in this Act to the contrary notwithstanding, may appoint such person accordingly, and without either examination or probation.

Appointment in special cases without probation or examination. Sect. 23.

**13.** Notwithstanding anything herein contained, any person who at any time has been or shall hereafter be employed in the Civil Service, and who has not been dismissed or called on to resign for improper conduct, may be appointed to any class in the same manner as if he had never left such service.

Appointment of former employees. Sect. 25.

**14.** Every head of the department shall furnish to the Lieutenant-Governor in Council at such times as the Lieutenant-Governor in Council may direct, reports upon the conduct and the efficiency of the officers and clerks employed in his department.

Heads of Departments to report as to clerks. Sect. 26.

## OFFICERS OR CHIEF CLERKS.

**15.** There may be in each department of the Civil Service one or more officers or chief clerks who shall receive such salaries respectively as may be fixed and determined by the Governor in Council, and voted by the Legislature.

Chief clerks; their salaries. Cap. 34 Sect. 12.

**16.** If in any department there are any special duties requiring or assigned to an officer or chief clerk, an additional salary not exceeding *four hundred dollars* per annum may be given by Order in Council to one or other first class clerks in such department, who shall have the rank of chief clerk, but such additional salary shall not become payable until the same shall be appropriated by the Legislature.

First-class clerks, additional salary. Sect. 13.

**17.** The Lieutenant-Governor in Council may from time to time divide any department of the Public Service into as many branches or sub-departments as may appear most convenient

Division of Departments; chief clerks of; salaries.

for the Public Service, and one of the officers or first or second class clerks in such department may be appointed the chief clerk of such branch, and shall perform such duties as may be assigned to him by the head of the department, and an additional salary not exceeding *four hundred dollars* per annum may by Order in Council be paid to the person holding the position of chief clerk of such branch of said department, but such additional salary shall not become payable until the same be appropriated by the Legislature. 5

#### DEPUTY HEADS OF DEPARTMENTS.

**Deputy heads of Departments ; salaries.** **18.** The following officers shall be respectively the deputy heads of the Department to which they are attached, and shall receive such salaries respectively as may be assigned to them by the Legislature. 10

The Deputy of the Attorney-General, 15  
 The Deputy of the Minister of Education,  
 The Assistant Commissioner of Crown Lands,  
 The Assistant Provincial Secretary,  
 The Assistant Commissioner of Public Works,  
 The Assistant Treasurer. 20  
 The Clerk of the Executive Council,  
 The office of the Clerk of the Executive Council may be held by one of the other Deputy Heads. 25

**Substitutes for deputy heads.** In the absence of any deputy head, the head of the department may empower any officer or chief clerk thereof to perform the duties of such deputy head. 25

**Duties of Deputy heads, Sect. 14.** **19.** It shall be the duty of the deputy head of each department, and he shall have authority, subject always to the head of the department, to oversee and direct the other officers, clerks, and servants of the department. He shall have the general control of the business of the department, and such other powers and duties as may be assigned to him by the Lieutenant-Governor in Council, and in the absence of the minister and during such absence, may suspend from his duties any officer, clerk, or servant of the department who refuses or neglects to obey his directions as such deputy. 30 35

**Lieut.-Gov. in Council to determine number of chief clerks, &c., and classify. Submission to Legislature.** **20.** As soon as conveniently may be after the passing of this Act, the Lieutenant-Governor in Council shall determine the number of officers or chief clerks, and the officers and clerks of each class and of each division that are required for the working of the staff of each department, and shall classify the same according to the arrangements so determined, and such classification shall be submitted to the Legislature at its next Session thereafter; and after such classification has been submitted to the Legislature no first class clerk and no officer or chief clerk in either division shall be appointed, nor shall any person be rated at any salary higher than the maximum of the first class, except (1) upon a vacancy, or (2) upon the creation of an additional first class clerkship or office or chief clerkship by special Order in Council, and upon the approval by the Legislature of the salary thereunto attached as a separate item in the estimates of the year in which such first class clerkship or office or chief clerkship is created. 40 45 50

**Sect. 15.**



**21.** No extra clerk shall, except under an Order in Council, be employed in any department unless for a period not exceeding three months, for which he may be paid at a rate not exceeding *two dollars* per diem out of the contingencies of the department on the certificate of the head or deputy head thereof, except only that if such extra clerk be an accountant, a book-keeper, or a person of special attainments and employed as such, he may be paid at a rate not exceeding the ordinary charge for such services. Extra clerks, time of employment, salary, &c. Sect. 19.

10 But any extra clerk may, under an Order in Council, made on the application and report of the head of the department that the same is requisite, be employed for a longer period than three months, and he shall, during such period, be borne on the pay-list of the department. Sect. 19.

15 At the end of six months such extra clerk shall only be retained in the department as a probationary clerk, if nominated, examined, and appointed as such in the manner required by this Act. Sect. 19.

#### GENERAL PROVISIONS.

**22.** No allowance or compensation shall be made for any extra services whatsoever which any officer or clerk may be required to perform in the department to which he belongs. No compensation for extra services. Sect. 20.

**23.** Nothing in this Act shall prejudicially affect the salary or emolument of any officer or clerk in the Civil Service at the time of the passing of this Act so long as he shall be continued in office, nor shall anything herein contained affect any salary or emolument granted or fixed by any Act now, or which may hereafter be, in force. Salaries of present clerks. Sect. 22.

No provision herein contained shall impair the power of the Lieutenant-Governor to remove or dismiss any deputy head of a department, officer or clerk. Power of dismissal.

30 **24.** When the clerks on the staff of any department cannot with sufficient speed perform the duties required on any emergency, the deputy head of such department may require from the deputy heads of any other departments the temporary services of any number of clerks as may not be then actively engaged in services of their own departments, but without additional remuneration. Aid of clerks from other Departments. Sect. 23.

40 **25.** The head of every department may at such times as may be convenient, grant to every officer or clerk leave of absence for recreation for any period or periods not exceeding in the whole three weeks in each year, and may in cases of illness or other pressing necessity grant such extended leave not exceeding twelve months, and on such terms as the Lieutenant-Governor in Council may think fit. Leave of absence. Sect. 24.

45 **26.** When the services of any officer are hereafter dispensed with in consequence of any change in any department or in consequence of the age and infirmity, or ill health of such officer, but not for any fault on the part of such officer, such gratuity may be allowed him as shall be directed by Order in Council, but not exceeding one month's pay for each year of his service; and in the event of the death of any clerk or officer while in the service of the Crown, such gratuity may be paid to his family. Gratuity on leaving for ill-health, &c.

Reduction to a lower class.  
Victoria Act,  
Sect. 29.

**27.** The Lieutenant-Governor in Council may at any time on account of improper conduct or inefficiency, upon the report of the head of the department, order that any officer or clerk of one class be reduced to a lower class, and thereupon his salary shall be from the first day of the month next succeeding such order, reduced to such sum in such lower class as may be ordered, but such clerk may at any time after be restored by order of the Lieutenant-Governor in Council to the status which he had lost, and his salary may be fixed, upon such restoration, at the sum to which he would have been entitled, except for such reduction.

Restoration.

Fine for misconduct.  
Sect. 23.

**28** If the head of the department wherein such officer or clerk is engaged, or in his absence his deputy be of opinion that the offence is not of so serious a nature, that a report thereof should in the course of his duty, be made to the Lieutenant-Governor in Council, the head of the department, or in his absence, his deputy, may for every such case of misconduct, order to be deducted by way of fine from the salary of such officer or clerk a sum not exceeding twenty dollars.

Hours of attendance.

**29.** The Lieutenant-Governor in Council may regulate the hours of attendance of the officers and clerks in any department; and when the public service demands, in case of pressure or urgency, that additional time be given, such additional time as the head or deputy head of any department may require, shall be given by all officers and clerks, without additional compensation.

#### THE LAW COURTS.

Law offices.

**30.** Save as hereinafter excepted, this Act shall apply to the offices of the clerk of the crown and pleas of the courts of queen's bench, and common pleas, and to the offices of the master, registrar, and referee of the court of chancery, the registrar of the court of appeal, the accountant of the court of chancery, the surrogate clerk, the clerk of records and writs, the clerk of the process, and the clerk in common law chambers, but nothing in this Act contained, shall prevent the appointment of a clerk or officer to any of the offices in this section mentioned in the first instance, or promotion otherwise than by this Act is provided, should the interests of the public service in the opinion of the Governor in Council require the same.

Construction of the word "department."

(2). In so far as applicable the word "department" in this Act and for the purpose of this Act shall extend to and include the offices of the courts in this section mentioned; and the Attorney-General of the Province for the time being shall be the head thereof; and the chief officer of each of the said offices shall for the purpose of this Act have and possess the same powers and authority as the deputy head of a department, but nothing herein contained shall impair or interfere with the authority or control of the courts and judges over their officers.

#### EXAMINERS.

of examiner.

**31.** The Lieutenant-Governor in Council is hereby authorized from time to time and as occasion shall require:

(2) To appoint suitable persons for the purpose of examining Subjects of  
and investigating into and reporting upon the knowledge, examination.  
ability and fitness of candidates who present themselves upon  
a nomination for office or employment in the Civil Service  
5 of Ontario.

(3). To make rules and regulations to be observed by candi- Rules for em-  
dates for employment in the civil service and to prescribe the ployees.  
subjects upon which such candidates shall be examined.

**32.** It shall be the duty of the person or persons appointed Examinations  
10 as examiner or examiners, to examine the candidates who and certifi-  
present themselves upon a nomination for office, as hereinbefore cates.  
mentioned, and to grant certificates of qualification of candi-  
dates whose examination as to fitness, and capacity, and know-  
ledge have been found satisfactory.

**33.** The Lieutenant-Governor in Council may make such Rules for  
15 rules and regulations as he may think fit for carrying the pro- working this  
visions of this Act into effect, and for classifying the offices and Act and classi-  
clerkships in the public service. fying.

#### FEES AND EMOLUMENTS OF CERTAIN OFFICERS.

**34.** Every clerk of a county court and every registrar of a Clerk of Co.  
20 surrogate court, and every clerk of any division court, for a Court, Regis-  
division embracing a city or part of a city, shall keep a separate trar of Surro-  
book in which he shall enter from day to day all fees, charges, gate, and clerk  
and emoluments received by him by virtue of his office, shewing of a City  
the sums received by him for fees, charges, and emoluments, of Division Court  
25 all kinds whatsoever, and shall, on the fifteenth day of January to make re-  
in each year, make up to, and including, the thirty-first day turns of fees,  
of December of the previous year, a return to the Lieutenant- &c.  
Governor under oath, of such fees, charges, and emoluments, so  
received by him during the said year.

**35.** The Clerk of the County Court of the County of York Clerk fees of  
30 shall be entitled to retain to his own use in each year all the County Court  
fees and emoluments received by him as such clerk in that year, of County of  
up to two thousand dollars. York.

**36.** Of the further fees and emoluments received by the Clerk The same.  
35 of the County Court of the County of York, in excess of two  
thousand dollars and not exceeding three thousand dollars, he  
shall be entitled to retain to his own use seventy per cent. and  
no more; and of the further fees and emoluments received by  
such clerk in excess of three thousand dollars and not exceeding  
40 four thousand dollars, he shall be entitled to retain to his own  
use sixty per cent. and no more; and of the further fees and  
emoluments received by such clerk in excess of four thousand  
dollars and not exceeding five thousand dollars, he shall be en-  
titled to retain to his own use fifty per cent. and no more; and  
45 of the further fees and emoluments received by such clerk in  
excess of five thousand dollars, he shall be entitled to retain  
to his own use twenty-five per cent. and no more.

**37.** On the fifteenth day of January in each year, the Clerk Clerk of  
of the County Court of the County of York, shall deliver to County Court  
50 the Treasurer of the Province a duplicate of the return required of York to  
by this Act, and shall also pay to such treasurer for the uses of make a return  
to the Treas-  
urer.



the Province, such proportion of the fees and emoluments received by him during the preceding year, as under this Act he is not entitled to retain to his own use.

**38.** The increase of salaries hereinbefore provided for shall not become payable until an appropriation therefor shall be made by the Legislature. 5

**39.** So much of the Revised Statutes as prescribe the salaries of the clerks and officers mentioned in Schedule "B" to this Act is hereby repealed, and the salaries of such clerks and officers, respectively, when not otherwise herein provided for, shall be such amounts as may be appropriated by the Legislature therefor. 10

#### OATHS OF OFFICE.

**40.** Immediately after this Act shall come into force, the deputy heads of departments and all officers or chief clerks and clerks of the Civil Service shall take and subscribe before the clerk of the Executive Council for Ontario, the Oath of Allegiance and the Solemn Declaration contained in Schedule A. of this Act; and the clerk of the Executive Council for Ontario shall keep a register of such oaths; and every deputy head, officer, or chief clerk, or clerk who shall hereafter be appointed, shall, before entering upon the duties of his office, take and subscribe the same oaths respectively. 15 20

**41.** This Act shall apply to the permanent officers and servants of the Legislative Assembly—saving always all legal rights and privileges of the House as respects the appointment or removal of its officers and servants or any of them. 25

**42.** In this Act the expression "Head of a Department," means the member of the Executive Council for the time being presiding over such department.

**43.** This Act may be cited as the Ontario Public Service Act, 1878, and shall come in force on the first day of January, 1879. 30

#### SCHEDULE "A."

I (A. B.) solemnly and sincerely declare that I will faithfully and honestly fulfil the duties which devolve upon me as  
and that I will not ask or receive any sum of money, service, or recompense, or matter, or thing whatsoever directly or indirectly in return for what I have done or may do in the discharge of any of the duties of my said office, except my salary or what may be allowed me by Law or by an Order of the Lieutenant-Governor in Council. 35 40

## SCHEDULE "B."

- Inspector of Prisons.
- Medical Superintendents of the Asylums.
- Bursars of the Asylums and Public Institutions.
- The Clerk of the Crown and Pleas of the Court of Queen's
- 5 Bench.
- The Clerk of the Crown and Pleas of the Court of Common Pleas.
- The Master in ordinary of the Court of Chancery.
- The Registrar of the Court of Chancery.
- 10 The Referee in Chambers.
- The Process Clerk.
- The Senior and Junior Clerks in the Court of Queen's Bench
- and Common Pleas.
- The Clerk in the Master's office.
- 15 The Clerk of the Registrar of the Court of Chancery.

No. 60.

Third Session, Third Parliament, 41 Vic. 1878.

BILL.

An Act respecting the Public Service of  
Ontario.

*(Reprinted as Amended.)*

First Reading, 29th January, 1878.

Second " 14th February, 1878.

*(CORRECTED COPY.)*

Hon. Mr. HARDY.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.



## An Act respecting the winding up of Joint Stock Companies.

[NOTE.—The references to English and other Acts indicate somewhat analogous provisions, and not that the quoted enactments are identical with the clauses in this Bill.]

HER MAJESTY, by and with the advice and consent of Preamble.  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. This Act may be cited as "*The Joint Stock Companies' Short Title*  
5 *Winding-up Act*."

2. This Act shall apply to all incorporated companies or as- Application of  
sociations incorporated by the Legislature of the Province of Act.  
Ontario, or under the authority of any Act of this Province,  
and to all companies and associations which were incorporated  
10 by the Parliament of the Province of Upper Canada, or of the  
Province of Canada, or under the authority of any Act of the  
Province of Canada, whose incorporation and the affairs thereof,  
in the particulars hereinafter mentioned, are subject to the  
legislative authority of this Province.

### INTERPRETATION.

15 3. Unless otherwise expressed, or otherwise indicated by the "Court."  
context, the word "Court," as used in this Act, means any  
county court; and any judge of a county court may either in  
term time or vacation exercise all the powers conferred by  
this Act upon the court:

20 2. The term "contributory" means every person liable to "Contribu-  
contribute to the assets of a company under this Act, in the tory."  
event of the same being wound-up: it shall, also, in all pro- See Imp. Act,  
ceedings prior to the final determination of such persons, in- 25 & 26 V., c.  
89, s. 74.  
clude any person alleged to be a contributory.

25 3. If any contributory dies either before or after he has Case of death  
been placed on the list of contributories hereinafter mentioned, of contribu-  
his personal representatives, heirs and, devisees, shall be liable tory.  
in due course of administration to contribute to the assets of 26., ss. 76.  
the company in discharge of the liability of such deceased con-  
30 tributory, and such personal representatives, heirs, and devisees  
shall be deemed to be contributories accordingly.

4. The expression "extraordinary resolution" in this Act "Extraordin-  
means a resolution passed by a majority of not less than three- ary resolu-  
fourths of such members of the company, for the time being en- tion."  
35 titled to vote, as may be present in person, or by proxy (in cases See Imp. Act.  
where, by the Act or charter or instrument of incorporation or the 25 & 26, V. c.  
89, ss. 51, 129.  
regulations of the company proxies are allowed), at any general

meeting of which notice specifying the intention to propose such resolution has been duly given.

5. The expression "special resolution" in this Act means a resolution passed in the manner necessary for an extraordinary resolution, where the resolution, after having been so passed as aforesaid has been confirmed by a majority of such members (entitled according to the Act, charter or instrument of incorporation or the regulations of the company to vote) as may be present in person or by proxy, at a subsequent general meeting, of which notice has been duly given, and held at an interval of not less than fourteen days or more than one month from the date of the meeting at which the resolution was first passed.

"Special resolution." Imp. Act 25 & 26, V. c. 89, ss. 51, 129.

#### WHEN COMPANIES MAY BE WOUND UP.

4. A company may be wound up under the Act :

When companies may be wound up voluntarily. Imp. Act 25 & 26, V. c. 89, s. 129.

1. Where the period, if any, fixed for the duration of the company by the Act, charter or instrument of incorporation has expired ; or where the event (if any) has occurred, upon the occurrence of which it is provided by the Act or charter or instrument of incorporation that the company is to be dissolved ; and the company in general meeting has passed a resolution requiring the company to be wound up :

2. Where the company has passed a special resolution (as hereinbefore defined) requiring the company to be wound up :

3. Where the company (though it may not be insolvent as respects creditors) has passed an extraordinary resolution (as hereinbefore defined) to the effect that it has been proved to their satisfaction that the company cannot by reason of its liabilities continue its business, and that it is advisable to wind up the same.

Imp. Act, s. 25 & 26 V. c. 89, s. 79. Rev. Stat. Ont. c. 160, s. 33.]

5. Where no such resolution has been passed as mentioned in the preceding section, the court may, on the application of a contributory, make an order for winding up, in case the court is of opinion that it is just and equitable that the company should be wound up.

Time and commencement of winding up. Imp. Act 25 & 26 V. c. 89, s. 130.

6. A winding up shall be deemed to commence at the time of the passing of the resolution authorizing the winding up, or of making the order directing the winding up.

#### REGISTRATION.

Registration of winding up. See Imp. Act, 25 & 26 V. c. 89, s. 114.

7. A copy of the resolution or order for winding up, certified by the liquidator, may be registered in the registry office of any county, riding, or registration division wherein the company may have any real estate ; such resolution or order shall be accompanied by a description of the real estate belonging to the company in the County, and certified by the liquidator to be a correct description, and the Registrar shall register the said order and description upon payment to him of a fee of one dollar.

Insolvent Act 1875, s. 19.

#### CONSEQUENCES OF COMMENCING TO WIND UP.

Consequences on commencing to wind up. Imp. Act 25 & 26 V. c. 89, s. 133.

8. The following consequences shall ensue upon the commencement of the winding up of a company under the authority of this Act :

(1). The company shall, from the date of the commencement of such winding up, cease to carry on its business, except in so far as may be required for the beneficial winding up thereof; and any transfers of shares, except transfers made to or with the sanction of the liquidators, or any alteration in the status of the members of the company, after the commencement of such winding up, shall be void, but the corporate state and all the corporate powers of the company shall, notwithstanding it may be otherwise provided by the Act charter or instrument of incorporation, continue until the affairs of the company are wound up.

Extent to which company to exist after commencement of winding up. Imp. Act 25 & 26 V. c. 89, s. 181.

(2). The property of the company shall be applied in satisfaction of its liabilities; and subject thereto, and to the charges incurred in winding up its affairs, shall (unless it is otherwise provided by the Act, Charter, or Instrument of Incorporation) be distributed amongst the members according to their rights and interests in the company.

(3). Liquidators shall be appointed for the purpose of winding up the affairs of the company and distributing the property.

(4). The company, in general meeting, shall appoint such persons or person as the company thinks fit to be liquidators or a liquidator, and may fix the remuneration to be paid to them or to him.

(5). If one person only is appointed, all the provisions herein contained in reference to several liquidators shall apply to him.

(6). Upon the appointment of liquidators, all the powers of the directors shall cease, except in so far as the company in general meeting, or the liquidators, may sanction the continuance of such powers.

(7). Where several liquidators are appointed, every power hereby given may be exercised by such one or more of them as may be determined at the time of the appointment, or at a subsequent meeting; or, in default of such determination, by any number not less than two.

(8). The contributories may at any meeting appoint one or more Inspector or Inspectors, to superintend and direct the proceedings of the Liquidator in the management and winding-up of the estate, and in case of an Inspector being appointed, all the powers of the Liquidator shall be exercised subject to the advice and direction of the Inspectors; and the contributories may also at any subsequent meeting held for that purpose, revoke any such appointment; and upon such revocation, or in case of death, resignation or absence from the Province of an Inspector, may appoint another in his stead; and such Inspector may be paid such remuneration as the contributories may determine; and where anything is allowed or directed to be done by the Inspectors, it may or shall be done by the sole Inspector, if only one has been appointed.

Appointment of Inspectors. Insolvent Act 1875, s. 35.

(9). The contributories may, at any meeting, pass any resolution or order, directing the liquidator how to dispose of the property, real or personal, of the Company; and, in default of their doing so, the liquidator shall be subject to the directions, orders and instructions which he from time to time, receives from the inspectors, if any, with regard to the mode, terms and conditions on which he may dispose of the whole or any part of the property of the company.

Directions as to disposal of property of the company. See Insolvent Act of 1875, s. 36.



## GENERAL POWERS OF LIQUIDATORS.

- General power of liquidator. Imp. Act, 25 & 26 V. c. 89, ss. 95, 133. 9. The liquidator may be described in all proceedings by the style of "A. B., the liquidator of" (the particular company in respect of which he is appointed), and shall have power to do the following things :
- Bring actions 1. To bring or defend any action, suit or other legal proceeding in the name, and on behalf of, the company : 5
- Carry on business. 2. To carry on the business of the Company so far as may be necessary for the beneficial winding up of the same.
- Sell property. Imp. Act, 1b; 3. To sell the real and personal property of the company by public auction or private contract, according to the ordinary mode in which such sales are made, with power to transfer the whole property to any person or company, or to sell the same in parcels, and on such terms as shall seem most advantageous ; but no sale of the assets *en bloc* shall be made without the previous sanction of the contributories given at a meeting called for that purpose : 15
- Insolvent Act, 1875, s. 38. 4. And in case, after having acted with due diligence in the collection of the debts, the liquidator finds that there remain debts due, the attempt to collect which would be more onerous than beneficial to the estate, he shall report the same to the Contributories, or Inspectors (if any); and with their sanction, he may sell the same by public auction, after such advertisement thereof as they may order ; and pending such advertisements, the liquidator shall keep a list of the debts to be sold, open to inspection at his office, and shall also give free access to all documents and vouchers explanatory of such debts ; but all debts amounting to more than one hundred dollars shall be sold separately, except as herein otherwise provided : 25
- Draw, &c., bills and notes. Imp. Act 25 & 26 Vic. c. 89 sec. 95. 5. To draw, accept, make, and endorse any bill of exchange or promissory note in the name and on behalf of the company ; and to raise upon the security of the assets of the company, from time to time, any requisite sum or sums of money ; and the drawing, accepting, making, or endorsing of any such bill of exchange, or promissory note as aforesaid, on behalf of the company, shall have the same effect, with respect to the liability of the company, as if such bill or note had been drawn, accepted, made, or endorsed by or on behalf of such company in the course of carrying on the business thereof : 35
- Take out letters of administration to deceased contributories. Imp. Act 25 & 26 Vic. c. 89 sec. 95, 6. To take out if necessary, in his official name, letters of administration to any deceased contributory; and to do in his official name any other act which may be necessary for obtaining payment of any money due from a contributory or from his estate, and which act cannot be conveniently done in the name of the company ; and in all cases where he takes out letters of administration, or otherwise uses his official name, for obtaining payment of any money due from a contributory, such money shall, for the purpose of enabling him to take out such letters or recover such money, be deemed to be due to the liquidator himself : 45
- Executed deeds, &c. Imp. Act 25 & 26 Vic. c. 89 sec. 95. 7. To execute in the name of the company all deeds, receipts and other documents ; 50
- Other things. Imp. Act 25 & 26 Vic. c. 89 sec. 95, 8. And to do and exercise all other acts and things that may be necessary for the winding up of the affairs of the company and the distribution of its assets ; and for such purposes to use when necessary the Company's seal. 55

**10.** The liquidator may fix a certain day or certain days on or within which creditors of the company and others having claims thereat are to send in their claims.

Time for creditors to send in claims may be fixed, Rev. Stat. c. 101, s. 34.

2. Where a liquidator has given such or the like notices of the said day as would be given by the Court of Chancery, in an administration suit for creditors and others to send in to an executor or administrator their claims against the estate of a testator or intestate, the liquidator shall, at the expiration of the time named in the said notices, or the last of the said notices, for sending in such claims, be at liberty to distribute the assets of the company, or any part thereof, amongst the parties entitled thereto, having regard to the claims of which the liquidator has then notice, and the liquidator shall not be liable for the assets or any part thereof so distributed, to any person of whose claim such liquidator had not notice at the time of distributing the said assets or a part thereof, as the case may be; but nothing in the present Act contained, shall prejudice the right of any creditor or claimant to follow assets into the hands of the person who may have received the same.

Imp. Act, 25 & 26 Vic., c. 89, sec. 109. Insolvent Act, 1875, s. 79, &c.

**11.** The liquidators may, with the sanction of an extraordinary resolution of the company, make such compromise or other arrangement as the liquidators deem expedient, with any creditors, or persons claiming to be creditors, or persons having or alleging to have any claim, present or future, certain or contingent, ascertained or sounding only in damages, against the company, or whereby the company may be rendered liable.

General scheme of liquidation may be authorised. Imp. Act, 25 & 26 V. c. 89, s. 159.

**12.** The liquidators may, with the sanction of an extraordinary resolution of the company, compromise all calls and liabilities to calls, debts, and liabilities capable of resulting in debts, and all claims, whether present or future, certain or contingent, ascertained or sounding only in damages, subsisting or supposed to subsist between the company and any contributory or other debtor or person apprehending liability to the company, and all questions in any way relating to or affecting the assets of the company or the winding up of the company, upon the receipt of such sums, payable at such times, and generally upon such terms, as may be agreed upon; with power for the liquidators to take any security for the discharge of such debts or liabilities, and to give a complete discharge in respect of all or any such calls, debts or liabilities.

Power to compromise. Imp. Act, 25 & 26 V. c. 89, s. 160.

**13.** Where any company is proposed to be or is in the course of being wound up, and the whole or a portion of its business or property is proposed to be transferred or sold to another company, the liquidators of the first-mentioned company, with the sanction of a special resolution of the company by whom they were appointed conferring either a general authority on the liquidators or an authority in respect of any particular arrangement, can receive, in compensation or in part compensation for such transfer or sale, shares or other like interest in such other company, for the purpose of distribution amongst the members of the company which is being wound up, or may, in lieu of receiving cash, shares, or other like interests, or in addition thereto, participate in the profits of or receive any other benefit from the purchasing company.

Power to accept shares as a consideration for sale of property of company. Imp. Act, 25 & 26 V. c. 89, s. 161.



(2.) Any sale made or arrangement entered into by the liquidators in pursuance of this section shall be binding on the members of the Company which is being wound up, subject to this proviso: that if any member of the company which is being wound up, who has not voted in favour of the special resolution passed by the Company of which he is a member, at either of the meetings held for passing the same, expresses his dissent from any such special resolution, in writing, addressed to the liquidators or one of them, and left at the registered office of the company not later than seven days after the date of the meeting at which such special resolution was passed, such dissentient member may require the liquidators to do one of the following things as the liquidators may prefer, that is to say: (1) Either to abstain from carrying such resolution into effect; or (2) to purchase the interest held by such dissentient member, at a price to be determined in manner hereinafter mentioned, such purchase-money to be paid before the company is dissolved, and to be raised by the liquidators in such manner as may be determined by special resolution.

(3.) No special resolution shall be deemed invalid for the purposes of this section by reason that it is passed antecedently to or concurrently with any resolution for winding up the company, or for appointing liquidators.

(4.) The price to be paid for the purchase of the interest of any dissentient member may be determined by agreement; but if the parties dispute about the same such dispute shall be settled by arbitration:

Mode of determining price.  
Imp. Act, 25  
& 26 V. c. 89,  
s. 162.

(5.) For the purpose of such arbitration the liquidator shall appoint one arbitrator, and the dissentient member shall appoint another, and the two arbitrators thus chosen (or in case they disagree, the county judge) shall appoint a third arbitrator:

(6.) The arbitrators thus chosen or any two of them, or the arbitrator of one party and an arbitrator appointed by the county judge (in case of the refusal or neglect of either party to appoint an arbitrator) shall finally determine the matter in dispute:

(7.) In case of the disagreement of two arbitrators, where two only are acting, they may appoint an umpire, whose award shall be conclusive.

#### LIABILITY OF CONTRIBUTORS.

Settle list of contributories.

14. As soon as may be after the commencement of the winding up of a company, the liquidator shall settle a list of contributories.

Unpaid shares to be assets.  
Imp. Act, 25  
& 26 V. c. 89,  
ss. 75, 90, 134.

2. Every shareholder or member of the company or his representative is liable to contribute the amount unpaid on his shares of the capital, or on his liability to the company or to its members or creditors, as the case may be, under the Act, charter, or instrument of incorporation of the company; and the amount which he is liable to contribute shall be deemed assets of the company, and to be a debt due to the company as payable may be directed or appointed under this Act.

Contributories liable in a representative character to be distinguished in list. Imp. Act, 25 & 26, V. c. 89 ss. 99, 133 (8).

3. The list of contributories shall distinguish between persons who are contributories as being representatives of or liable for others.



4. It shall not be necessary where the personal representative of any deceased contributory is placed on the list to add the heirs or devisees of such contributory ; nevertheless such heirs or devisees may be added at any time afterwards.

Representatives of deceased contributories need not be inserted in list. Imp. Act, 25 & 26 V. c. 89 ss. 95 & 103 (8).

5. Any list so settled shall be *prima facie* evidence of the liability of the persons named therein to be contributories.

List to be *prima facie* evidence of liability. Imp. Act, 25 & 26 V. c. 89, s. 133 (8).

15. The list of contributories may be settled by the Court, in which case the liquidator shall make out and leave at the chambers of the Judge a list of the contributories of the company ; and such list shall be verified by the affidavit of the liquidator, and shall, so far as is practicable, state the respective addresses of, and the number of shares or extent of interest to be attributed to, each such contributory, and distinguish the several classes of contributories ; and such list may from time to time, by leave of the Judge, be varied or added to by the liquidator.

English Rule 29, general order, Nov., 1862.

2. Upon the list of contributories being left at the chambers of the Judge, the liquidator shall obtain an appointment for the Judge to settle the same, and shall give notice in writing of such appointment to every person included in the list, and stating in what character ; and for what number of shares, or interest, such person is included in the list ; and in case any variation in or addition to such list is at any time made by the liquidator, a similar notice in writing shall be given to every person to whom such variation or addition applies. All such notices shall be served four clear days before the day appointed to settle such list, or such variation or addition.

English Rule 30, general order, Nov., 1862.

3. The result of the settlement of the list of contributories shall be stated in a certificate by the Clerk of the Court ; and certificates may be made from time to time for the purpose of stating the result of such settlement down to any particular time, or to any particular person, or stating any variation of the list.

English Rule general order, Nov., 31, 1862.

16. If any person made a contributory as personal representative of a deceased contributory makes default in paying any sum to be paid by him, proceedings may be taken for administering the personal and real estate of such deceased contributory, or either of such estates, and for compelling payment thereof of the money due.

Provision for administration if personal representative of deceased contributory fails to pay moneys. Imp. Act, 25 and 26 V. c. 89, s. 105.

17. The liquidators may, at any time and before they have ascertained the sufficiency of the assets of the company, call on all or any of the contributories, for the time being settled on the list of contributories to pay, to the extent of their liability, all or any sums the liquidators deem necessary to satisfy the debts and liabilities of the company, and the costs, charges and expenses of winding it up and for the adjustment of the rights of the contributories amongst themselves ; and the liquidators may, in making a call, take into consideration the probability that some of the contributories upon whom the call is made, may partly or wholly fail to pay their respective portions of the same.

Calls on contributories. Imp. Act, 25 & 26 V. c. 89, s. 133 (9).

**Contributories** **18.** Where a person's name is on the list of contributories or  
**liable to arrest** is liable to be placed thereon, he shall be subject in respect of  
**like debtors** his liability, and on the application of the liquidator, to arrest  
**under Revised** and imprisonment, like any other debtor; and he shall for that  
**Stat. c. 67.** purpose be deemed a debtor to the Company, and a debtor 5  
**Imp. Act, 25** to the liquidator, and his arrest may be by an order of  
**& 26 V. c. 89;** the County Court Judge, whether the amount of his liability  
**s. 118.** exceeds or not the ordinary jurisdiction of the said court;  
 and his being placed on the list of contributories under  
 this Act shall be deemed a judgment, and the liquidator shall 10  
 be deemed a creditor, within the meaning of the Act respect-  
 ing Arrest and Imprisonment for Debt; and the said persons  
 shall respectively have the same remedies, and the County  
 Court and Judges and the officers of justice shall in such cases  
 have the same powers and duties (as nearly as may be), as in 15  
 corresponding cases under the said Act.

Vide Rev.  
Stat. c. 67.

#### LIQUIDATOR'S DUTIES.

**Employment of counsel by Liquidators.** **19.** No Liquidator shall employ any counsel, solicitor, or at-  
**See Insolvent** torney-at-law without the consent of the Inspectors, or of the  
**Act, 1875, s. 43.** contributories.  
**Imp. Act, 25** 2. No Liquidator or Inspector shall purchase, directly or 20  
**& 26 V. c. 89,** indirectly, any part of the stock in trade, debts or assets of  
**s. 97.** any description of the estate.  
**Liquidators or** 3. The Liquidator shall deposit at interest in some chartered  
**Inspectors not** bank to be indicated by the Inspectors or by the Court, all  
**to purchase** sums of money which he may have in his hands, belonging to 25  
**assets of** the company, whenever such sums amount to one hundred  
**Company.** dollars;  
**Deposit of** 4. Such deposit shall not be made in the name of the  
**sums of \$100** liquidator generally, on pain of dismissal; but a separate  
**in bank by** deposit account shall be kept for the company of the moneys 30  
**Liquidators.** belonging to the company, in the name of the Liquidator as  
**See Insolvent** such, and of the Inspectors (if any) and such moneys shall be  
**Act, 1875, s. 43.** withdrawn only on the joint cheque of the Liquidator and one  
 of the Inspectors, if there be any.  
**Liquidators to** 5. At every meeting of the contributories, the liquidators 35  
**produce bank** shall produce a bank pass book, showing the amount of de-  
**book at** posits made for the company, the dates at which such deposits  
**meetings, &c.** were made, the amounts withdrawn and dates of such with-  
 drawal, of which production mention shall be made in the  
 minutes of such meeting and the absence of such mention 40  
 shall be *prima facie* evidence that such pass-book was not pro-  
 duced at the meetings;  
 6. The Liquidator shall also produce such pass book when-  
 ever so ordered by the Court at the request of the Inspectors or  
 of a contributory, and on his refusal to do so, he shall be treated 45  
 as being in contempt of court.  
**Liquidator to** 7. Every Liquidator or inspector shall be subject to the sum-  
**be subject to** mary jurisdiction of the Court in the same manner and to the  
**summary** same extent as the ordinary officers of the Court are subject to  
**jurisdiction of** its jurisdiction; and the performance of his duties may be com- 50  
**Court.** pelled, and all remedies sought or demanded for enforcing any  
 claim for a debt, privilege, mortgage, lien or right of property  
 upon, in, or to any effects or property in the hands, possession  
 or custody of a Liquidator, may be obtained by an order of  
 the Court on summary petition, and not by any suit, attach- 55  
 ment, seizure or other proceeding of any kind whatever; and

See Insolvent  
Act, 1875,  
s. 125.



obedience by the Liquidator to such order may be enforced by such Court under the penalty of imprisonment, as for contempt of Court or disobedience thereto; or he may be removed in the discretion of the Court.

Obedience  
how enforced.

#### EXPENSES.

5 **20.** All costs, charges and expenses properly incurred in the voluntary winding-up of a company, including the remuneration of the liquidators, shall be payable out of the assets of the company in priority to all other claims.

Costs and ex-  
penses. Imp.  
Act, 25 &  
26 V. c. 89, s.  
144.

10 **21.** In case of there being no agreement or provision fixing the remuneration of a liquidator, he shall be entitled to a commission on the net proceeds of the estate of the company of every kind, after deducting expenses and disbursements, such commission to be of five per cent. on the amount realized, not exceeding one thousand dollars, the further sum of two and a half per cent. on the amount realized in excess of one thousand dollars, and not exceeding five thousand dollars, and a further sum of one and a quarter per cent. on the amount realized in excess of five thousand dollars; which said commission shall be in lieu of all fees and charges for all his services and disbursements in relation to the estate, exclusive of actual expenses in going to seize and sell, and of disbursements necessarily made in the care and removal of property.

Remuneration  
of Liquidators  
in case no  
other fixed.  
See Insolvent  
Act, 1875, s. 43

#### MEETINGS OF CONTRIBUTORIES.

**22.** If any vacancy occurs in the office of liquidators appointed by the company, by death, resignation or otherwise, general meeting for the purpose of filling up such vacancy may be convened by the continuing liquidators, if any, or if none, then by any contributory of the Company;

Filing vacan-  
cies in office of  
liquidator.  
Imp. Act, 25  
& 26 V. c. 89,  
s. 140.

(2.) The liquidators may from time to time, during the continuance of the winding up, summon general meetings of the company for the purpose of obtaining the sanction of the company by special resolution or extraordinary resolution, or for any other purposes they think fit;

General meet-  
ings during  
winding up.  
Imp. Act, 25  
& 26 V. c. 89,  
s. 139.

(3.) In the event of the winding-up continuing for more than one year, the liquidators shall summon a general meeting of the Company at the end of the first year, and of each succeeding year from the commencement of the winding-up, or as soon thereafter as may be convenient; and shall lay before such meeting an account, showing their acts and dealings, and the manner in which the winding-up has been conducted during the preceding year.

Imp. Act,  
25 & 26, Vic.,  
c. 68, s. 139.  
Annual meet-  
ings.

(4.) The liquidator shall also call meetings of the Contributories whenever required in writing so to do, by the Inspector or five contributories, or by the Court, and he shall state succinctly in the notice calling any meeting the purpose thereof.

Liquidators to  
call meetings.  
See Insolvent  
Act of 1875, s.  
44.

45 (5.) The Contributories may, from time to time, at any meeting, determine where subsequent meetings shall be held; and in the absence of such a resolution all meetings of the contributories shall be held at the office of the Liquidator or of the Company, unless otherwise ordered by the Court.

Subsequent  
meetings. See  
Insolvent Act  
of 1875, s. 34.  
Where meet-  
ings to be  
held.

50 (6.) Notice of any meeting shall for the purposes of this Act be deemed to be duly given, and the meeting to be duly held, whenever such notice is given and meeting held in man-

Notices of  
meeting, how  
given.



ner prescribed by the Act, Charter or Instrument of incorporation or by the regulations of the company, or by the Court.

Notice, how given. See Insolvent Act, of 1875, s. 101.

(7.) Or, notice of the meeting may be given by publication thereof for at least two weeks in the *Ontario Gazette*, or by such other or additional notice as the Court or the Inspector or the company may direct, and by also, except where the Court otherwise directs, addressing notices of the meeting to the contributories within the Province, and to the representatives, within the Province, of contributories who reside out of the Province; and the said notices shall be posted at least ten days before the day on which the meeting is to take place, the postage being prepaid by the liquidator. 5 10

Voting to be in person or by proxy.

Insolvent Act 1875, s. 29.

(8.) No Contributory shall vote at any meeting unless present personally, or represented by some person having a written authority (to be filed with the liquidator) to act on his behalf at the meeting or generally; and when a poll is taken reference shall be had to the number of votes to which each member is entitled by the Act, charter or instrument of incorporation or the regulations of the company. 15

#### ASSISTANCE OF THE COURT

Applications to the court Imp. Act, 25 & 26 V. c. 89, s. 138.

**23.** The liquidators or any contributory of the company may apply to the Court to determine any question arising in the matter of such winding-up; or to exercise all or any of the powers following; and the Court, if satisfied that the determination of such question, or the required exercise of power, will be just and beneficial, may accede wholly or partially to such application, on such terms and subject to such conditions as the Court thinks fit; or it may make such other order on such application as the Court thinks just. 20 25

Stay of action against company. Imp. Act, 25 & 26 V. c. 89, s. 85.

2. The Court, at any time after the presentation of a petition for winding up a company and before making an order for winding up the company, may restrain further proceedings in any action, suit, or proceeding against the company (other than under the Insolvent Acts in force at the time, or any other authority with which this Legislature has no jurisdiction to interfere) and upon such terms as the Court thinks fit. 30 35

Action not to be proceeded with or commenced after commencement of winding up. Imp. Act, 25 & 26 V. c. 89, s. 87.

3. The court may make an order that no suit, action or other proceeding shall be proceeded with or commenced against the company except with the leave of the Court, and subject to such terms as the Court may impose; but this section does not apply to proceedings under any Act of the Parliament of Canada under its jurisdiction in matters of bankruptcy and insolvency or otherwise; a copy of such order shall forthwith be advertised as the court may direct. 40

4. The court may settle the list of contributories.

5. The Court may direct meetings of the contributories to be summoned, held and conducted in such manner as the Court thinks fit, for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of such meeting to the Court. 45

Order for delivery by contributories. Imp. Act, 25 & 26 V. c. 89, s. 100.

6. The Court may require any contributory for the time being settled on the list of contributories, or any trustee, receiver, banker, or agent or officer of the company, to pay, deliver, convey, surrender or transfer forthwith, or within such time as the court directs, to or into the hands of the liquidator, any sum or balance, books, papers, estate, or effects which happen to be in his hands for the time being, and to which the company is *prima facie* entitled. 50 55

7. The Court may make an order on any contributory for the time being settled on the list of contributories, directing payment to be made, in manner in the said order mentioned, of any moneys due from him or from the estate of the person whom he represents, to the company; exclusive of any moneys which he or the estate of the person whom he represents may be liable to contribute by virtue of any call made or to be made by the Court in pursuance of this Act. Order for payment by contributories. Imp. Act, 25 & 26 V. c. 89, s. 101.
8. The Court may order any contributory, purchaser or other person from whom money is due to the company to pay the same into any bank appointed for this purpose in any general order made under this Act, or in default of such bank into any bank named in the order, or into any branch of such bank, to the account of the official liquidator instead of to the official liquidator, and such order may be enforced in the same manner as if it had directed payment to the official liquidator. Power to order payment into a bank. Imp. Act, 25 & 26 V. c. 89, s. 103.
9. Any order made by the Court in pursuance of this Act upon any contributory shall, subject to the provisions herein contained for appealing against such order, be conclusive evidence that the moneys, if any, thereby appearing to be due, or ordered to be paid, are due; and all other pertinent matters stated in such order are to be taken to be truly stated, as against all persons, and in all proceedings whatsoever; with the exception of proceedings taken against the real estate of any deceased contributory, in which case such order shall only be *prima facie* evidence for the purpose of charging his real estate, unless his heirs or devisees were on the list of contributories at the time the order was made. Order to be conclusive evidence. Imp. Act, 25 & 26 V. c. 89, s. 106.
10. The Court may make such order for the inspection by the creditors and contributories of the company of its books and papers as the Court thinks just; and any books and papers in the possession of the company may be inspected in conformity with the order of the Court, but not further or otherwise. Inspection of books. Imp. Act, 25 & 26 V. c. 89, s. 156.
11. The Court may, at any time after the commencement of the winding up of the company, order to appear before the Court or liquidator any officer of the company, or any other person known or suspected to have in his possession any of the estate or effects of the Company, or supposed to be indebted to the Company, or any person whom the Court may deem capable of giving information concerning the trade, dealings, estate or effects of the Company; and in case of refusal to appear or answer the questions submitted, he may be committed and punished by the judge as for a contempt. Examination of persons before Court or Liquidator. Imp. Act, *ib.* ss. 115.
12. The Court may require any such officer or person to produce any books, papers, deeds, writings, or other documents in his custody or power relating to the company.
13. If any person so summoned, after being tendered the fees to which a witness is entitled in the county courts, refuses to come before the Court or liquidator at the time appointed, having no lawful impediment (made known to the Court or liquidator at such time, and allowed), the Court may cause such person to be apprehended, and brought before the Court or liquidator for examination. *Ib.* Insol. Act, s. 26.
14. The Court or liquidator may examine upon oath, any person appearing, or brought before them in the manner aforesaid concerning the affairs, dealings, estate or effects of the company, and may reduce into writing the answers of every such person, and require him to subscribe the same. Mode of examination. Imp. Act, 25 & 26 V. c. 89, s. 117. Insolvent Act 1875, s. 26.



Subpoena. See  
Insolvent Act,  
1875, s. 110.

15. In any proceeding under this Act, the Court may order a writ of *subpoena ad testificandum*, or of *subpoena duces tecum* to issue, commanding the attendance as a witness of any person within the limits of Ontario.

16. Where any person claims any lien on papers, deeds, or writings or documents produced by him, such production shall be without prejudice to the lien; and the Court shall have jurisdiction in the winding up to determine all questions relating to such lien.

Power of  
court to assess  
damages  
against delin-  
quent direct-  
ors, &c. Imp.  
Act 25 & 26  
V. c. 89, s. 165

17. Where in the course of winding up any company under this Act, it appears that any past or present director, manager, official or other liquidator, or any officer of such company has misapplied, or retained in his own hands, or become liable or accountable for, any moneys of the company, or been guilty of any misfeasance or breach of trust in relation to the company, the Court may, on the application of any liquidator, or of any contributory of the company, notwithstanding that the offence is one for which the offender is criminally responsible, examine into the conduct of such director, manager, or other officer, and compel him to repay any moneys so misapplied or retained, or for which he has become liable or accountable, together with interest after such rate as the Court thinks just, or to contribute such sums of money to the assets of the company by way of compensation in respect of such misapplication, retainer, misfeasance, or breach of trust, as the Court thinks just.

Proceedings  
by contribu-  
tories, at their  
own risk. 33  
V. c. 16, s. 68,  
(D.)

24. If at any time any contributor who desires to cause any proceeding to be taken which, in his opinion, would be for the benefit of the Company, and the liquidator, under the authority of the contributories or of the inspectors, refuses or neglects to take such proceedings, after being duly required so to do, such contributory shall have the right to obtain an order of the Court authorizing him to take such proceeding in the name of the liquidator or company, but at his own expense and risk, upon such terms and conditions as to indemnity to the liquidator, as the Court may prescribe; and thereupon any benefit derived from such proceedings shall belong exclusively to the contributory instituting the same for his benefit, and that of any other contributory who may have joined him in causing the institution of such proceeding; but if, before such order is granted, the liquidator shall signify to the Court his readiness to institute such proceeding for the benefit of the Company, an order shall be made prescribing the time within which he shall do so and in that case the advantage derived from such proceeding; shall appertain to the company.

Filling vacan-  
cies in office of  
liquidator,  
Imp. Act, 25  
& 26 V. c. 89,  
s. 140.

Appointment  
by court. Imp.  
Act, 25 & 26  
V. c. 89, s.

25. If any vacancy occurs in the office of liquidator appointed by the company, by death, resignation or otherwise, the company in general meeting may fill up such vacancy;

2. If from any cause there is no liquidator acting, either provisionally or otherwise, the Court may on the application of a contributory, appoint a liquidator or liquidators;

3. The court may also on due cause shown, remove any liquidator, and appoint another liquidator.

4. When there is no liquidator the estate shall be under the control of the Court until the appointment of a new liquidator.



**26.** Any one or more contributories whose claims in the aggregate exceed five hundred dollars, who may be dissatisfied with the resolutions adopted or orders made by the contributories or the Inspectors, or with any action of the liquidator for the disposal of the property of the company, or any part thereof, or for postponing the disposal of the same, or with reference to any matter connected with the management or winding up of the estate, may, within twenty-four hours thereafter, give to the liquidator notice that he or they will apply to the Court, on the day and at the hour fixed by such notice, and not being later than forty-eight hours after such notice has been given, or as soon thereafter as the parties may be heard, before such court to rescind such resolutions or orders :

Rescinding of resolution by the court.  
See Insolvent Act of 1875, s. 37.

2. The Court, after hearing the Inspectors, the liquidators and contributories present at the time and place so fixed, may approve, rescind or modify the said resolutions or orders :

3. In case of the application being refused the party applying shall pay all costs occasioned thereby, and in other cases the costs and expenses shall be at the discretion of the Court.

**27.** Any party who is dissatisfied with any order or decision of the Court in any proceeding under this Act, may appeal therefrom to the Court of Appeal, or to any one of the judges of the said Court ; but any appeal to a single judge may, in his discretion, be referred, on a special case to be settled, to the full Court, and on such terms in the meantime as he may think necessary and just.

Appeals.  
Insolvent Act of 1875, s. 128.  
Imp. Act, 25 & 26 Vic., c. 89. See 124.

2. No such appeal shall be entertained unless the appellant has, within eight days from the rendering of such final order or judgment, taken proceedings on the said appeal, nor unless within the said time he has made a deposit or given sufficient security before a judge that he will duly prosecute the said appeal and pay such damages and costs as may be awarded to the respondent.

3. If the party appellant does not proceed with his appeal, as the case may be, according to the law or the rules of practice, the Court, on the application of the respondent, may dismiss the appeal, and condemn the appellant to pay the respondent the costs by him incurred.

**28.** Any powers by this Act conferred on the Court shall be deemed to be in addition to, and not in restriction of, any other powers subsisting, either at law or in equity, of instituting proceedings against any contributory, or against any debtor of the company for the recovery of any call or other sums due from such contributory, or against any debtor of the company, for the recovery of any call or other sum due from such contributory or debtor, or his estate, and such proceedings may be instituted accordingly.

Powers of Court to be in addition to its other power. Imp. Act, 25 & 26 V. c. 89, s. 119.

**29.** All orders made by the Court may be enforced in the same manner as orders of such Court made in any suit pending therein, or orders of the Court under the Insolvent Acts in force at the time may be enforced ; and for the purposes of this part of the Act, the County Courts and the judges thereof shall, in addition to their ordinary powers, have the same power of enforcing any orders made by it, as the Court of Chancery has in relation to matters within the jurisdiction of that Court ; and for the last-mentioned purposes the jurisdiction of the County

Enforcing of orders. Imp. Act, 25 & 26 V. c. 89, s. 120.

Court Judge shall be deemed to be co-extensive in local limits with the jurisdiction of the Court of Chancery.

County  
Courts to be  
auxiliary.

**30.** The various County Courts of the Province, and the Judges of the said Courts respectively shall be auxiliary to one another for the purposes of this Act; and the winding up of a company, or any matter or proceeding relating thereto, may be transferred from one County Court to another with the concurrence, or by the order or orders, of the two courts, or by an order of a judge of the Court of Appeal. 5

#### MATTERS OF PRACTICE.

Enforcement  
of order of one  
Court by another.  
Imp. Act, 25 & 26  
V. c. 89, s. 123.

**31.** Where any order made by one Court is required to be enforced by another Court, an office copy of the order so made, certified by the clerk of the Court which made the same, and under the seal of such Court, shall be produced to the proper officer of the Court required to enforce the same, and the production of such copy shall be sufficient evidence of such order having been made; and thereupon such last-mentioned Court shall take such steps in the matter as may be requisite for enforcing such order in the same manner as if it were the order of the Court enforcing the same. 15

Petition on  
winding up.  
Imp. Act, 25  
& 26 V. c.  
89, s. 82.

**32.** Any application to the Court for winding up of a company under this Act shall be by petition; and the petition may be presented by the company, or by any contributory or contributories of the company. 20

Course of  
Court on hear-  
ing of petition.  
Imp. Act, 25  
& 26, V. c. 89,  
s. 86.

(2.) Upon hearing the petition the Court may dismiss the same, with or without costs, or may adjourn the hearing, conditionally or unconditionally, and may make an interim order, or any other order that it deems just. 25

Stay of Pro-  
ceedings to  
wind up.  
Imp. Act, 25  
& 26, V. c. 89,  
s. 89.

**33.** The Court at any time after an order has been made for winding up a company, may, upon the application by motion of any contributory, and upon proof to the satisfaction of the Court that all proceedings in relation to such winding up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as the Court deems fit. 30

Rules of pro-  
cedure in  
ordinary cases,  
&c., to apply.  
Imp. Act, 25  
& 26 V. c. 89,  
s. 116.

**34.** The rules of procedure for the time being as to amendments of pleadings and proceedings in the County Court, shall as far as practicable apply to all pleadings and proceedings under this Act; and any Court or liquidator before whom such proceedings are being carried on shall have full power and authority to apply the appropriate rules as to amendments to the proceedings so pending before him; and no pleading or proceeding shall be void by reason of any irregularity or default which can or may be amended or disregarded under the rules and practice of the Court. 40

Insolvent Act,  
sec. 116.

Language of  
proceedings,  
&c. Imp.  
Act, 25 & 26  
V. c. 89, s.

**35.** In every petition, application, motion, or other pleading or proceeding under this Act, the parties may state the facts upon which they rely, in plain and concise language; and to the interpretation thereof, the rules of construction applicable to such language in the ordinary transactions of life shall apply. 45

Books, &c., to  
be *prima facie*  
evidence. Imp.

**36.** All books, accounts, and documents of the company and of the liquidator, shall, as between the contributories of the 50



company, be *prima facie* evidence of the truth of all matters purporting to be therein recorded.

Act, 25 &  
26 V. c. 89, s.  
154.

37. All rules, writs of subpoena, orders and warrants issued by any Court in any matter or proceeding under this Act, may be validly served in any part of Ontario upon the party affected or to be affected thereby, and the service of them may be validly made in such manner as is now prescribed for similar services, and the person charged with such service shall make his return thereof under oath.

Service of sub-  
poenas, &c.  
See Insolvent  
Act, 1877, s.  
111.

38. Except when otherwise provided, two clear juridical days notice of any petition, motion, order or rule shall be sufficient if the party notified resides within fifteen miles of the place where the proceeding is to be taken, and one extra day shall be sufficient allowance for each additional fifteen miles of distance between the place of service and the place of proceeding; and service of such notice shall be made in such manner as a similar service in a civil suit.

Length of  
notice of pro-  
ceedings.  
Insolvent Act,  
s. 108.

39. Any affidavit, affirmation or declaration required to be sworn or made under the provisions or for the purposes of this Act, may be sworn or made in Ontario, before the Liquidator, or before any liquidator, judge, notary public, commissioner for taking affidavits; or Justice of the peace; and out of Ontario, before any Judge of a Court of Record, any commissioner for taking affidavits to be used in any Court in Canada, any notary public, the chief Municipal officer for any town or city, any British consul or vice-consul, or any person authorized by or under any Statute of the Dominion or of this Province to take affidavits.

Affidavits  
before whom  
sworn.

2. All Courts, judges, justices, commissioners and persons acting judicially, shall take judicial notice of the seal, or stamp or signature (as the case may be) of any such Court, judge, notary public, commissioner, justice, chief municipal officer, consul, vice-consul, liquidator or other person, attached, appended or subscribed to any such affidavit, affirmation or declaration, or to any other document to be used for the purposes of this Act.

See Insolvent  
Act, 1875,  
s. 105.  
Imp. Act, 25  
& 26 Vic., c.  
89. See 125.

#### DISSOLUTION OF COMPANY.

40. As soon as the affairs of the company are fully wound up, the liquidators shall make up an account showing the manner in which such winding up has been conducted, and the property of the company disposed of; and thereupon they shall call a general meeting of the company for the purpose of having the account laid before them, and hearing any explanation that may be given by the liquidators; the meeting shall be called by advertisement, specifying the time, place, and object of such meeting; and the advertisement shall be published one month at least previously thereto.

Account of  
winding up to  
be made by  
liquidator to a  
general meet-  
ing. Imp.  
Act, 25 &  
26 V. c. 89, s.  
142.

(2.) The liquidator shall make a return to the Provincial Secretary of such meeting having been held, and of the date at which the same was held, which return shall be filed in the office of the Provincial Secretary; and on the expiration of three months from the date of the filing of such return, the company shall be deemed to be dissolved.

Return of  
holding of  
meeting to be  
sent to Pro-  
vincial Secre-  
tary. See Imp.  
Act, 25 & 26  
V. c. 89, s. 143.



Dissolution.  
Imp. Act, 25  
& 26 V. c. 89,  
s. 111.  
Registry of  
order in Pro-  
vincial Secre-  
tary's office.  
Imp. Act, 25  
& 26 V. c. 89,  
s. 112.

Default on  
reporting.  
Imp. Act, 25  
& 26 V. c. 89,  
s. 113.

Disposition of  
unclaimed  
money. In-  
solvent Act,  
1875, s. 98.

Payment over  
of moneys in  
hand of Liqui-  
dator.  
Insolvent Act,  
1875, s. 42.

Disposal of  
books, &c.,  
after dissolu-  
tion. Imp.  
Act, 25 & 26  
V. c. 89, s. 53.

Rules and  
forms.

Costs.  
17b. Imp. s. 170,  
Imp. 30 & 31,  
Vic. c. 131, ss.  
44 and 45.

**41.** Or whenever the affairs of the company have been completely wound up, the Court may make an order that the company be dissolved from the date of such order, and the company shall be dissolved accordingly: which order shall be reported by the liquidator to the Provincial Secretary.

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**42.** If the Liquidator makes default in transmitting to the Provincial Secretary the return mentioned in the fortieth section, or in reporting the order (if any) declaring the company dissolved, he shall be liable to a penalty not exceeding twenty dollars for every day during which he is in default.

10

**43.** All dividends deposited in a Bank and remaining unclaimed at the time of the dissolution of the Company, shall be left for three years in the bank where they are deposited, and if still unclaimed, shall then be paid over by such Bank, with interest accrued thereon, to the Treasurer of Ontario, and, if afterwards duly claimed, shall be paid over to the persons entitled thereto,

15

**44.** Every liquidator shall, within thirty days after the date of the dissolution of the company, deposit in the bank appointed or named as hereinbefore provided for, any other money belonging to the estate then in his hands not required for any other purpose authorized by this Act, with a sworn statement and account of such money, and that the same is all he has in his hands, and he shall be subject to a penalty of not exceeding ten dollars for every day on which he neglects or delays such payment; and he shall be a debtor to Her Majesty for such money, and may be compelled as such to account for and pay over the same.

20

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(2.) The money so deposited shall be left for three years in the bank, and shall be then paid over with interest to the Treasurer of the Province, and if afterwards claimed shall be paid over to the person entitled thereto.

30

(3.) Where any company has been wound up under this Act and is about to be dissolved, the books, accounts and documents of the company and of the Liquidators may be disposed of in such a way as the Company by an extraordinary resolution directs.

35

(4.) After the lapse of five years from the date of such dissolution no responsibility shall rest on the Company or the Liquidators, or any one to whom the custody of such books, accounts and documents has been committed, by reason that the same or any of them cannot be made forthcoming to any party or parties claiming to be interested therein.

40

#### RULES TO CARRY OUT ACT.

**45.** The Board of County Judges from time to time shall make, and frame and settle the forms, rules and regulations to be followed and observed in proceedings under this Act, and shall make rules as to the costs, fees and charges which shall or may be had, taken or paid in all such cases by or to attorneys, solicitors or counsel, and by or to officers of courts, whether for the officers or for the Crown, and by or to sheriffs, or other persons whom it may be necessary to provide for, or for any service performed or work done under this Act.

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(2.) The Board of County Judges or any three of them, shall under their hands, certify to the Chief Justice of the Court of Appeal, all Rules and Forms made under this Act and the Judges of the said Court (of whom the said Chief Justice shall be one) may approve of, disallow, or amend any such Rules or Forms; and the Rules and Forms so approved of (with or without amendment, as the case may be) shall have the same force and effect as if they had been made and included in this Act.

- 10 (3.) Until such forms, rules and regulations are so approved and subject to any which shall be approved, the practice under this Act shall in cases not hereinbefore provided for, be the same (as nearly as may be), as under the Insolvent Acts or the time being in force in this Province.

BILL.

An Act respecting the winding up of Joint  
Stock Companies.

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First Reading, January 17th, 1878.

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Atty.-Genl. MOWAT.

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TORONTO :

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## An Act respecting the winding up of Joint Stock Companies.

[NOTE.—The references to English and other Acts indicate somewhat analogous provisions, and not that the quoted enactments are identical with the clauses in this Bill.]

HER MAJESTY, by and with the advice and consent of Preamble.  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. This Act may be cited as "*The Joint Stock Companies' Short Title*  
5 *Winding-up Act*."

2. This Act shall apply to all incorporated companies or as- Application of  
sociations incorporated by the Legislature of the Province of Act.  
Ontario, or under the authority of any Act of this Province,  
and to all companies and associations which were incorporated  
10 by the Parliament of the Province of Upper Canada, or of the  
Province of Canada, or under the authority of any Act of the  
Province of Canada, whose incorporation and the affairs thereof,  
in the particulars hereinafter mentioned, are subject to the  
legislative authority of this Province.

### INTERPRETATION.

15 3. Unless otherwise expressed, or otherwise indicated by the "Court."  
context, the word "Court," as used in this Act, means any  
county court; and any judge of a county court may either in  
term time or vacation exercise all the powers conferred by  
this Act upon the court:

20 2. The term "contributory" means every person liable to "Contribu-  
contribute to the assets of a company under this Act, in the tory."  
event of the same being wound-up: it shall, also, in all pro- See Imp. Act,  
ceedings prior to the final determination of such persons, in 25 & 26 V., c.  
89, s. 74.  
clude any person alleged to be a contributory.

25 3. If any contributory dies either before or after he has Case of death  
been placed on the list of contributories hereinafter mentioned, of contribu-  
his personal representatives, heirs and, devisees, shall be liable tory.  
in due course of administration to contribute to the assets of Ib., ss. 76.  
the company in discharge of the liability of such deceased con-  
30 tributory, and such personal representatives, heirs, and devisees  
shall be deemed to be contributories accordingly.

4. The expression "extraordinary resolution" in this Act "Extraordin-  
means a resolution passed by a majority of not less than three- ary resolu-  
fourths of such members of the company, for the time being en- tion."  
70 titled to vote, as may be present in person, or by proxy (in cases See Imp. Act,  
35 where, by the Act or charter or instrument of incorporation or the 25 & 26, V. c.  
regulations of the company proxies are allowed), at any general 89, ss. 51, 129.

meeting of which notice specifying the intention to propose such resolution has been duly given.

5. The expression "special resolution" in this Act means a resolution passed in the manner necessary for an extraordinary resolution, where the resolution, after having been so passed as aforesaid has been confirmed by a majority of such members (entitled according to the Act, charter or instrument of incorporation or the regulations of the company to vote) as may be present in person or by proxy, at a subsequent general meeting, of which notice has been duly given, and held at an interval of not less than fourteen days or more than one month from the date of the meeting at which the resolution was first passed.

#### WHEN COMPANIES MAY BE WOUND UP.

4. A company may be wound up under the Act :

When companies may be wound up voluntarily. Imp. Act 25 & 26 V. c. 89, ss. 51, 129. 1. Where the period, if any, fixed for the duration of the company by the Act, charter or instrument of incorporation has expired; or where the event (if any) has occurred, upon the occurrence of which it is provided by the Act or charter or instrument of incorporation that the company is to be dissolved; and the company in general meeting has passed a resolution requiring the company to be wound up :

2. Where the company has passed a special resolution (as hereinbefore defined) requiring the company to be wound up :

3. Where the company (though it may be solvent as respects creditors) has passed an extraordinary resolution (as hereinbefore defined) to the effect that it has been proved to their satisfaction that the company cannot by reason of its liabilities continue its business, and that it is advisable to wind up the same.

Imp. Act, s. 25 & 26 V. c. 89, s. 79. Rev. Stat. Ont. c. 160, s. 33. 5. Where no such resolution has been passed as mentioned in the preceding section, the court may, on the application of a contributory, make an order for winding up, in case the court is of opinion that it is just and equitable that the company should be wound up.

Time and commencement of winding up. Imp. Act 25 & 26 V. c. 89, s. 130. 6. A winding up shall be deemed to commence at the time of the passing of the resolution authorizing the winding up, or of making the order directing the winding up.

#### REGISTRATION.

Registration of winding up. See Imp. Act, 25 & 26 V. c. 89, s. 114. 7. A copy of the resolution or order for winding up, certified by the liquidator, may be registered in the registry office of any county, riding, or registration division wherein the company may have any real estate; such resolution or order shall be accompanied by a description of the real estate belonging to the company in the County, and certified by the liquidator to be a correct description, and the Registrar shall register the said order and description upon payment to him of a fee of one dollar.

#### CONSEQUENCES OF COMMENCING TO WIND UP.

Consequences on commencing to wind up. Imp. Act 25 & 26 V. c. 89, s. 133. 8. The following consequences shall ensue upon the commencement of the winding up of a company under the authority of this Act :

(1). The company shall, from the date of the commencement of such winding up, cease to carry on its business, except in so far as may be required for the beneficial winding up thereof; and any transfers of shares, except transfers made to or with the sanction of the liquidators, or any alteration in the status of the members of the company, after the commencement of such winding up, shall be void, but the corporate state and all the corporate powers of the company shall, notwithstanding it may be otherwise provided by the Act charter or instrument of incorporation, continue until the affairs of the company are wound up.

Extent to which company to exist after commencement of winding up. Imp. Act 25 & 26 V. c. 89, s. 131.

(2). The property of the company shall be applied in satisfaction of its liabilities; and subject thereto, and to the charges incurred in winding up its affairs, shall (unless it is otherwise provided by the Act, Charter, or Instrument of Incorporation) be distributed amongst the members according to their right and interests in the company.

(3). Liquidators shall be appointed for the purpose of winding up the affairs of the company and distributing the property.

(4). The company, in general meeting, shall appoint such persons or person as the company thinks fit to be liquidators or a liquidator, and may fix the remuneration to be paid to them or to him, *and they shall give such security as the contributories or the court may determine.*

(5). If one person only is appointed, all the provisions herein contained in reference to several liquidators shall apply to him.

(6). Upon the appointment of liquidators, all the powers of the directors shall cease, except in so far as the company in general meeting, or the liquidators, may sanction the continuance of such powers.

(7). Where several liquidators are appointed, every power hereby given may be exercised by such one or more of them as may be determined at the time of the appointment, or at a subsequent meeting; or, in default of such determination, by any number not less than two.

(8). The contributories may at any meeting appoint one or more Inspector or Inspectors, to superintend and direct the proceedings of the Liquidator in the management and winding-up of the estate, and in case of an Inspector being appointed, all the powers of the Liquidator shall be exercised subject to the advice and direction of the Inspectors; and the contributories may also at any subsequent meeting held for that purpose, revoke any such appointment; and upon such revocation, or in case of death, resignation or absence from the Province of an Inspector, may appoint another in his stead; and such Inspector may be paid such remuneration as the contributories may determine; and where anything is allowed or directed to be done by the Inspectors, it may or shall be done by the sole Inspector, if only one has been appointed.

Appointment of Inspectors. Insolvent Act 1875, s. 35.

(9). The contributories may, at any meeting, pass any resolution or order, directing the liquidator how to dispose of the property, real or personal, of the Company; and, in default of their doing so, the liquidator shall be subject to the directions, orders and instructions which he from time to time, receives from the inspectors, if any, with regard to the mode, terms and conditions on which he may dispose of the whole or any part of the property of the company.

Directions as to disposal of property of the company. See Insolvent Act of 1875, s. 36.



## GENERAL POWERS OF LIQUIDATORS.

- General power of liquidator. Imp. Act, 25 & 26 V. c. 89, ss. 95, 133. 9. The liquidator may be described in all proceedings by the style of "A. B., the liquidator of" (the particular company in respect of which he is appointed), and shall have power to do the following things:
- Bring actions 1. To bring or defend any action, suit or other legal proceeding in the name, and on behalf of, the company: 5
- Carry on business. 2. To carry on the business of the Company so far as may be necessary for the beneficial winding up of the same.
- Sell property. Imp. Act, 1b; 3. To sell the real and personal property of the company by public auction or private contract, according to the ordinary mode in which such sales are made, with power to transfer the whole property to any person or company, or to sell the same in parcels, and on such terms as shall seem most advantageous; but no sale of the assets *en bloc* shall be made without the previous sanction of the contributories given at a meeting called for that purpose: 15
- Insolvent Act, 1875, s. 38. 4. And in case, after having acted with due diligence in the collection of the debts, the liquidator finds that there remain debts due, the attempt to collect which would be more onerous than beneficial to the estate, he shall report the same to the Contributories, or Inspectors (if any); and with their sanction, he may sell the same by public auction, after such advertisement thereof as they may order; and pending such advertisements, the liquidator shall keep a list of the debts to be sold, open to inspection at his office, and shall also give free access to all documents and vouchers explanatory of such debts; but all debts amounting to more than one hundred dollars shall be sold separately, except as herein otherwise provided: 25
- Insolvent Act, 1875, sec. 67. 5. To draw, accept, make, and endorse any bill of exchange or promissory note in the name and on behalf of the company; and to raise upon the security of the assets of the company, from time to time, any requisite sum or sums of money; and the drawing, accepting, making, or endorsing of any such bill of exchange, or promissory note as aforesaid, on behalf of the company, shall have the same effect, with respect to the liability of the company, as if such bill or note had been drawn, accepted, made, or endorsed by or on behalf of such company in the course of carrying on the business thereof: 35
- Draw, &c., bills and notes. Imp. Act 25 & 26 Vic. c. 89 sec. 95. 6. To take out if necessary, in his official name, letters of administration to any deceased contributory; and to do in his official name any other act which may be necessary for obtaining payment of any money due from a contributory or from his estate, and which act cannot be conveniently done in the name of the company; and in all cases where he takes out letters of administration, or otherwise uses his official name, for obtaining payment of any money due from a contributory, such money shall, for the purpose of enabling him to take out such letters or recover such money, be deemed to be due to the liquidator himself: 45
- Take out letters of administration to deceased contributories. Imp. Act 25 & 26 Vic. c. 89 sec. 95, 7. To execute in the name of the company all deeds, receipts and other documents; 50
- Execute deeds, &c. Imp. Act 25 & 26 Vic. c. 89 sec. 95. 8. And to do and exercise all other acts and things, that may be necessary for the winding up of the affairs of the company and the distribution of its assets; and for such purposes to use when necessary the Company's seal. 55
- Other things. Imp. Act 25 & 26 Vic. c. 89 sec. 95.

**10.** The liquidator may fix a certain day or certain days on or within which creditors of the company and others having claims thereon are to send in their claims.

Time for creditors to send in claims may be fixed, Rev. Stat. c. 101, s. 34.  
Imp. Act, 25 & 26 Vic., c. 89, sec. 109.  
Insolvent Act, 1875, s. 79, &c.

**2.** Where a liquidator has given such or the like notices of the said day as would be given by the Court of Chancery, in an administration suit for creditors and others to send in to an executor or administrator their claims against the estate of a testator or intestate, the liquidator shall, at the expiration of the time named in the said notices, or the last of the said notices, for sending in such claims, be at liberty to distribute the assets of the company, or any part thereof, amongst the parties entitled thereto, having regard to the claims of which the liquidator has then notice, and the liquidator shall not be liable for the assets or any part thereof so distributed, to any person of whose claim such liquidator had not notice at the time of distributing the said assets or a part thereof, as the case may be; but nothing in the present Act contained, shall prejudice the right of any creditor or claimant to follow assets into the hands of the person who may have received the same.

**11.** The liquidators may, with the sanction of an extraordinary resolution of the company, make such compromise or other arrangement as the liquidators deem expedient, with any creditors, or persons claiming to be creditors, or persons having or alleging to have any claim, present or future, certain or contingent, ascertained or sounding only in damages, against the company, or whereby the company may be rendered liable.

General scheme of liquidation may be authorised. Imp. Act, 25 & 26 V. c. 89, s. 159.

**12.** The liquidators may, with the sanction of an extraordinary resolution of the company, compromise all calls and liabilities to calls, debts, and liabilities capable of resulting in debts, and all claims, whether present or future, certain or contingent, ascertained or sounding only in damages, subsisting or supposed to subsist between the company and any contributory or other debtor or person apprehending liability to the company, and all questions in any way relating to or affecting the assets of the company or the winding up of the company, upon the receipt of such sums, payable at such times, and generally upon such terms, as may be agreed upon; with power for the liquidators to take any security for the discharge of such debts or liabilities, and to give a complete discharge in respect of all or any such calls, debts or liabilities.

Power to compromise. Imp. Act, 25 & 26 V. c. 89, s. 160.

**13.** Where any company is proposed to be or is in the course of being wound up, and the whole or a portion of its business or property is proposed to be transferred or sold to another company, the liquidators of the first-mentioned company, with the sanction of a special resolution of the company by whom they were appointed conferring either a general authority on the liquidators or an authority in respect of any particular arrangement, can receive, in compensation or in part compensation for such transfer or sale, shares or other like interest in such other company, for the purpose of distribution amongst the members of the company which is being wound up, or may, in lieu of receiving cash, shares, or other like interests, or in addition thereto, participate in the profits of or receive any other benefit from the purchasing company.

Power to accept shares as a consideration for sale of property of company. Imp. Act, 25 & 26 V. c. 89, s. 161.

(2.) Any sale made or arrangement entered into by the liquidators in pursuance of this section shall be binding on the members of the Company which is being wound up, subject to this proviso : that if any member of the company which is being wound up, who has not voted in favour of the special resolution passed by the Company of which he is a member, at either of the meetings held for passing the same, expresses his dissent from any such special resolution, in writing, addressed to the liquidators or one of them, and left at the head office of the company not later than seven days after the date of the meeting at which such special resolution was passed, such dissentient member may require the liquidators to do one of the following things as the liquidators may prefer, that is to say : (1) Either to abstain from carrying such resolution into effect ; or (2) to purchase the interest held by such dissentient member, at a price to be determined in manner hereinafter mentioned, such purchase-money to be paid before the company is dissolved, and to be raised by the liquidators in such manner as may be determined by special resolution.

(3.) No special resolution shall be deemed invalid for the purposes of this section by reason that it is passed antecedently to or concurrently with any resolution for winding up the company, or for appointing liquidators.

(4.) The price to be paid for the purchase of the interest of any dissentient member may be determined by agreement ; but if the parties dispute about the same such dispute shall be settled by arbitration :

Mode of determining price.  
Imp. Act, 25  
& 26 V. c. 89,  
s. 162.

(5.) For the purpose of such arbitration the liquidator shall appoint one arbitrator, and the dissentient member shall appoint another, and the two arbitrators thus chosen (or in case they disagree, the county judge) shall appoint a third arbitrator :

(6.) The arbitrators thus chosen or any two of them, or the arbitrator of one party and an arbitrator appointed by the county judge (in case of the refusal or neglect of either party to appoint an arbitrator) shall finally determine the matter in dispute :

(7.) In case of the disagreement of two arbitrators, where two only are acting, they may appoint an umpire, whose award shall be conclusive.

#### LIABILITY OF CONTRIBUTORS.

Settle list of contributories.

**14.** As soon as may be after the commencement of the winding up of a company, the liquidator shall settle a list of contributories.

Unpaid shares to be assets.  
Imp. Act, 25  
& 26 V. c. 89,  
ss. 75, 90, 134.

**2.** Every shareholder or member of the company or his representative is liable to contribute the amount unpaid on his shares of the capital, or on his liability to the company or to its members or creditors, as the case may be, under the Act, charter, or instrument of incorporation of the company ; and the amount which he is liable to contribute shall be deemed assets of the company, and to be a debt due to the company as payable may be directed or appointed under this Act.

**3.** Where a shareholder has transferred his shares under circumstances which do not by law free him from liability in respect thereof, or where he is by law liable to the company or its contributors or any of them to an amount beyond the amount unpaid on his shares, he shall be deemed a member of the company for the purposes of this Act, and shall be liable to con-



tribute as aforesaid to the extent of his liabilities to the pany or the contributors independent of this Act, and the am which he is so liable to contribute shall be deemed asset a debt as aforesaid.

- 5 4. The list of contributories shall distinguish between per-  
sons who are contributories as being representatives of or liable  
for others.

Contributories  
liable in a re-  
presentative  
character to be  
distinguished  
in list. Imp.  
Act, 25 & 26,  
V. c. 89 ss. 99,  
133 (8).

- 10 5. It shall not be necessary where the personal representative  
of any deceased contributory is placed on the list to add the  
heirs or devisees of such contributory; nevertheless such heirs or  
devisees may be added at any time afterwards.

Representa-  
tives of  
deceased con-  
tributories  
need not be  
inserted in list.  
Imp. Act, 25  
& 26 V. c. 89  
ss. 95 & 103  
(8).

6. Any list so settled shall be *prima facie* evidence of the  
liability of the persons named therein to be contributories.

List to be  
*prima facie*  
evidence of  
liability. Imp.  
Act. 25 & 26  
V. c. 89, s. 133  
(8).

- 15 15. The list of contributories may be settled by the Court, in  
which case the liquidator shall make out and leave at the cham-  
bers of the Judge a list of the contributories of the company; and  
such list shall be verified by the affidavit of the liquidator, and  
shall, so far as is practicable, state the respective addresses of, and  
the number of shares or extent of interest to be attributed to,  
20 each such contributory, and distinguish the several classes of  
contributories; and such list may from time to time, by leave of  
the Judge, be varied or added to by the liquidator.

English Rule  
29, general or-  
der, Nov., 1862.

- 25 2. Upon the list of contributories being left at the chambers  
of the Judge, the liquidator shall obtain an appointment for the  
Judge to settle the same, and shall give notice in writing of  
such appointment to every person included in the list, and  
stating in what character; and for what number of shares, or  
interest, such person is included in the list; and in case any  
variation in or addition to such list is at any time made by  
30 the liquidator, a similar notice in writing shall be given to every  
person to whom such variation or addition applies. All such  
notices shall be served four clear days before the day appointed  
to settle such list, or such variation or addition.

English Rule  
30, general or-  
der, Nov., 1862.

- 35 3. The result of the settlement of the list of contributories  
shall be stated in a certificate by the Clerk of the Court; and  
certificates may be made from time to time for the purpose of  
stating the result of such settlement down to any particular  
time, or to any particular person, or stating any variation of the  
list.

English Rule  
general order,  
Nov., 31, 1862.

- 40 16. If any person made a contributory as personal representa-  
tive of a deceased contributory makes default in paying any  
sum to be paid by him, proceedings may be taken for adminis-  
tering the personal and real estate of such deceased contributory,  
or either of such estates, and for compelling payment thereof  
45 of the money due.

Provision for  
administra-  
tion if per-  
sonal repre-  
sentative of  
deceased con-  
tributory fails  
to pay moneys.  
Imp. Act, 25  
and 26 V. c.  
89, s. 105.

17. The liquidators may, at any time and before they have  
ascertained the sufficiency of the assets of the company, call

Calls on con-  
tributories.  
Imp. Act, 25

& 26 V. c. 89,  
s. 133 (9).

on all or any of the contributories, for the time being settled on the list of contributories to pay, to the extent of their liability, all or any sums the liquidators deem necessary to satisfy the debts and liabilities of the company, and the costs, charges and expenses of winding it up and for the adjustment of the rights of the contributories amongst themselves; and the liquidators may, in making a call, take into consideration the probability that some of the contributories upon whom the call is made, may partly or wholly fail to pay their respective portions of the same. 10

Contributories  
liable to arrest  
like debtors  
under Revised  
Stat. c. 67.  
Imp. Act, 25  
& 26 V. c. 89;  
s. 118.

18. Where a person's name is on the list of contributories or is liable to be placed thereon, he shall be subject in respect of his liability, and on the application of the liquidator, to arrest and imprisonment, like any other debtor; and he shall for that purpose be deemed a debtor to the Company, and a debtor to the liquidator, and his arrest may be by an order of the County Court Judge, whether the amount of his liability exceeds or not the ordinary jurisdiction of the said court; and his being placed on the list of contributories under this Act shall be deemed a judgment, and the liquidator shall be deemed a creditor, within the meaning of the Act respecting Arrest and Imprisonment for Debt; and the said persons shall respectively have the same remedies, and the County Court and Judges and the officers of justice shall in such cases have the same powers and duties (as nearly as may be), as in corresponding cases under the said Act. 15 20 25

Vide Rev.  
Stat. c. 67.

#### LIQUIDATOR'S DUTIES.

Employment  
of counsel by  
Liquidators.  
See Insolvent  
Act, 1875, s. 43.  
Imp. Act, 25  
& 26 V. c. 89,  
s. 97.

19. No Liquidator shall employ any counsel, solicitor, or attorney-at-law without the consent of the Inspectors, or of the contributories.

Liquidators or  
Inspectors not  
to purchase  
assets of  
Company.

2. No Liquidator or Inspector shall purchase, directly or indirectly, any part of the stock in trade, debts or assets of any description of the estate. 30

3. The Liquidator shall deposit at interest in some chartered bank to be indicated by the Inspectors or by the Court, all sums of money which he may have in his hands, belonging to the company, whenever such sums amount to one hundred dollars; 35

Deposit of  
sums of \$100  
in bank by  
Liquidators.  
See Insolvent  
Act, 1875, s. 43.

4. Such deposit shall not be made in the name of the liquidator generally, on pain of dismissal; but a separate deposit account shall be kept for the company of the moneys belonging to the company, in the name of the Liquidator as such, and of the Inspectors (if any) and such moneys shall be withdrawn only on the joint cheque of the Liquidator and one of the Inspectors, if there be any. 40

Liquidators to  
produce bank  
book at  
meetings, &c.

5. At every meeting of the contributories, the liquidators shall produce a bank pass book, showing the amount of deposits made for the company, the dates at which such deposits were made, the amounts withdrawn and dates of such withdrawal, of which production mention shall be made in the minutes of such meeting and the absence of such mention shall be *prima facie* evidence that such pass-book was not produced at the meetings; 45 50

6. The Liquidator shall also produce such pass book whenever so ordered by the Court at the request of the Inspectors or of a contributory, and on his refusal to do so, he shall be treated as being in contempt of court. 55

7. Every Liquidator or inspector shall be subject to the summary jurisdiction of the Court in the same manner and to the same extent as the ordinary officers of the Court are subject to its jurisdiction; and the performance of his duties may be compelled, and all remedies sought or demanded for enforcing any claim for a debt, privilege, mortgage, lien or right of property upon, in, or to any effects or property in the hands, possession or custody of a Liquidator, may be obtained by an order of the Court on summary petition, and not by any suit, attachment, seizure or other proceeding of any kind whatever; and obedience by the Liquidator to such order may be enforced by such Court under the penalty of imprisonment, as for contempt of Court or disobedience thereto; or he may be removed in the discretion of the Court.

Liquidator to be subject to summary jurisdiction of Court.

See Insolvent Act, 1875, s. 125.

Obedience how enforced.

#### EXPENSES.

- 15 **20.** All costs, charges and expenses properly incurred in the voluntary winding-up of a company, including the remuneration of the liquidators, shall be payable out of the assets of the company in priority to all other claims.
- 21.** In case of there being no agreement or provision fixing the remuneration of a liquidator, he shall be entitled to a commission on the net proceeds of the estate of the company of every kind, after deducting expenses and disbursements, such commission to be of five per cent. on the amount realized, not exceeding one thousand dollars, the further sum of two and a half per cent. on the amount realized in excess of one thousand dollars, and not exceeding five thousand dollars, and a further sum of one and a quarter per cent. on the amount realized in excess of five thousand dollars; which said commission shall be in lieu of all fees and charges for his services.

Costs and expenses. Imp. Act. 25 & 26 V. c. 88, s. 144.

Remuneration of Liquidators in case no other fixed. See Insolvent Act, 1875, s. 43.

#### MEETINGS OF CONTRIBUTORIES.

- 30 **22.** If any vacancy occurs in the office of liquidators appointed by the company, by death, resignation or otherwise, general meeting for the purpose of filling up such vacancy may be convened by the continuing liquidators, if any, or if none, then by any contributory of the Company;
- 35 (2.) The liquidators may from time to time, during the continuance of the winding up, summon general meetings of the company for the purpose of obtaining the sanction of the company by special resolution or extraordinary resolution, or for any other purposes they think fit;
- 40 (3.) In the event of the winding-up continuing for more than one year, the liquidators shall summon a general meeting of the Company at the end of the first year, and of each succeeding year from the commencement of the winding-up, or as soon thereafter as may be convenient; and shall lay before such meeting an account, showing their acts and dealings, and the manner in which the winding-up has been conducted during the preceding year.
- 45 (4.) The liquidator shall also call meetings of the Contributories whenever required in writing so to do, by the Inspector or five contributories, or by the Court, and he shall state succinctly in the notice calling any meeting the purpose thereof.

Filing vacancies in office of liquidator. Imp. Act, 25 & 26 V. c. 89, s. 140.

General meetings during winding up. Imp. Act, 25 & 26 V. c. 89, s. 139.

Imp. Act, 25 & 26, Vic., c. 63, s. 139. Annual meetings.

Liquidators to call meetings. See Insolvent Act of 1875, s. 44.



Subsequent meetings. See Insolvent Act of 1875, s. 34.

Where meetings to be held.

Notices of meeting, how given.

Notice, how given. See Insolvent Act, of 1875, s. 101.

Voting to be in person or by proxy.

Insolvent Act 1875, s. 29.

Applications to the court Imp. Act, 25 & 26 V. c. 89, s. 138.

Stay of action against company. Imp. Act, 25 & 26 V. c. 89, s. 85.

Action not to be proceeded with or commenced after commencement of winding up. Imp. Act, 25 & 26 V. c. 89, s. 87.

(5.) The Contributories may, from time to time, at any meeting, determine where subsequent meetings shall be held; and in the absence of such a resolution all meetings of the contributories shall be held at the office of the Liquidator or of the Company, unless otherwise ordered by the Court.

(6.) Notice of any meeting shall for the purposes of this Act be deemed to be duly given, and the meeting to be duly held, whenever such notice is given and meeting held in manner prescribed by the Act, Charter or Instrument of incorporation or by the regulations of the company, or by the Court.

(7.) Or, notice of the meeting may be given by publication thereof for at least two weeks in the *Ontario Gazette*, or by such other or additional notice as the Court or the Inspector or the company may direct, and by also, except where the Court otherwise directs, addressing notices of the meeting to the contributories within the Province, and to the representatives, within the Province, of contributories who reside out of the Province; and the said notices shall be posted at least ten days before the day on which the meeting is to take place, the postage being prepaid by the liquidator.

(8.) No Contributory shall vote at any meeting unless present personally, or represented by some person having a written authority (to be filed with the liquidator) to act on his behalf at the meeting or generally; and when a poll is taken reference shall be had to the number of votes to which each member is entitled by the Act, charter or instrument of incorporation or the regulations of the company.

#### ASSISTANCE OF THE COURT.

**23.** The liquidators or any contributory of the company may apply to the Court to determine any question arising in the matter of such winding-up; or to exercise all or any of the powers following; and the Court, if satisfied that the determination of such question, or the required exercise of power, will be just and beneficial, may accede wholly or partially to such application, on such terms and subject to such conditions as the Court thinks fit; or it may make such other order on such application as the Court thinks just.

2. The Court, at any time after the presentation of a petition for winding up a company and before making an order for winding up the company, may restrain further proceedings in any action, suit, or proceeding against the company (other than under the Insolvent Acts in force at the time, or any other authority with which this Legislature has no jurisdiction to interfere and upon such terms as the Court thinks fit.)

3. The court may make an order that no suit, action or other proceeding shall be proceeded with or commenced against the company except with the leave of the Court, and subject to such terms as the Court may impose; but this section does not apply to proceedings under any Act of the Parliament of Canada under its jurisdiction in matters of bankruptcy and insolvency or otherwise; a copy of such order shall forthwith be advertised as the court may direct.

4. The court may settle the list of contributories.

5. The Court may direct meetings of the contributories to be summoned, held and conducted in such manner as the Court thinks fit, for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of such meeting to the Court.

6. The Court may require any contributory for the time being settled on the list of contributories, or any trustee, receiver, banker, or agent or officer of the company, to pay, deliver, convey, surrender or transfer forthwith, or within  
 5 such time as the court directs, to or into the hands of the liquidator, any sum or balance, books, papers, estate, or effects which happen to be in his hands for the time being, and to which the company is *primâ facie* entitled.

Order for delivery by contributories.  
 Imp. Act, 25 & 26 V. c. 89, s. 100.

7. The Court may make an order on any contributory for  
 10 the time being settled on the list of contributories, directing payment to be made, in manner in the said order mentioned, of any moneys due from him or from the estate of the person whom he represents, to the company; exclusive of any moneys which he or the estate of the person whom he represents  
 15 may be liable to contribute by virtue of any call made or to be made by the Court in pursuance of this Act.

Order for payment by contributories.  
 Imp. Act, 25 & 26 V. c. 89, s. 101.

8. The Court may order any contributory, purchaser or other person from whom money is due to the company to pay the same into any bank appointed for this purpose in any general order made under this Act, or in default of such bank into  
 20 any bank named in the order, or into any branch of such bank, to the account of the official liquidator instead of to the official liquidator, and such order may be enforced in the same manner as if it had directed payment to the official liquidator.

Power to order payment into a bank.  
 Imp. Act, 25 & 26 V. c. 89, s. 103.

9. Any order made by the Court in pursuance of this Act upon any contributory shall, subject to the provisions herein contained for appealing against such order, be conclusive evidence that the moneys, if any, thereby appearing to be due, or ordered to be paid, are due; and all other pertinent matters  
 25 stated in such order are to be taken to be truly stated, as against all persons, and in all proceedings whatsoever; with the exception of proceedings taken against the real estate of any deceased contributory, in which case such order shall only be *primâ facie* evidence for the purpose of charging his real estate,  
 30 unless his heirs or devisees were on the list of contributories at the time the order was made.

Order to be conclusive evidence. Imp. Act, 25 & 26 V. c. 89, s. 106.

10. The Court may make such order for the inspection by the creditors and contributories of the company of its books and papers as the Court thinks just; and any books and papers  
 40 in the possession of the company may be inspected in conformity with the order of the Court, but not further or otherwise.

Inspection of books. Imp. Act, 25 & 26 V. c. 89, s. 156.

11. The Court may, at any time after the commencement of the winding up of the company, *summon* to appear before the  
 45 Court or liquidator any officer of the company, or any other person known or suspected to have in his possession any of the estate or effects of the Company, or supposed to be indebted to the Company, or any person whom the Court may deem capable of giving information concerning the trade, dealings,  
 50 estate or effects of the Company; and in case of refusal to appear or answer the questions submitted, he may be committed and punished by the judge as for a contempt.

Examination of persons before Court or Liquidator. Imp. Act, *ib.* ss. 115.

12. The Court may require any such officer or person to produce any books, papers, deeds, writings, or other documents in  
 55 his custody or power relating to the company.

13. If any person so summoned, after being tendered the fees to which a witness is entitled in the county courts, refuses to  
 come before the Court or liquidator at the time appointed, having no lawful impediment, the Court may cause such person to be

*ib.* Insol. Act, s. 26.



apprehended, and brought before the Court or liquidator for examination.

Mode of examination. Imp. Act, 25 & 26 V. c. 89, s. 117. Insolvent Act 1875, s. 26. Subpœna. See Insolvent Act, 1875, s. 110.

14. The Court or liquidator may examine upon oath, any person appearing, or brought before them in the manner aforesaid concerning the affairs, dealings, estate or effects of the company, and may reduce into writing the answers of every such person, and require him to subscribe the same. 5

15. In any proceeding under this Act, the Court may order a writ of *subpœna ad testificandum*, or of *subpœna duces tecum* to issue, commanding the attendance as a witness of any person within the limits of Ontario. 10

16. Where any person claims any lien on papers, deeds, or writings or documents produced by him, such production shall be without prejudice to the lien; and the Court shall have jurisdiction in the winding up to determine all questions relating to such lien. 15

Power of court to assess damages against delinquent directors, &c. Imp. Act 25 & 26 V. c. 89, s. 165

17. Where in the course of winding up any company under this Act, it appears that any past or present director, manager, official or other liquidator, or any officer of such company has misapplied, or retained in his own hands, or become liable or accountable for, any moneys of the company, or been guilty of any misfeasance or breach of trust in relation to the company, the Court may, on the application of any liquidator, or of any contributory of the company, notwithstanding that the offence is one for which the offender is criminally responsible, examine into the conduct of such director, manager, or other officer, and compel him to repay any moneys so misapplied or retained, or for which he has become liable or accountable, together with interest after such rate as the Court thinks just, or to contribute such sums of money to the assets of the company by way of compensation in respect of such misapplication, retainer, misfeasance, or breach of trust, as the Court thinks just. 20 25 30

Proceedings by contributories, at their own risk. 38 V. c. 16, s. 68, (D.)

24. If at any time any contributor who desires to cause any proceeding to be taken which, in his opinion, would be for the benefit of the Company, and the liquidator, under the authority of the contributories or of the inspectors, refuses or neglects to take such proceedings, after being duly required so to do, such contributory shall have the right to obtain an order of the Court authorizing him to take such proceeding in the name of the liquidator or company, but at his own expense and risk, upon such terms and conditions as to indemnity to the liquidator, as the Court may prescribe; and thereupon any benefit derived from such proceedings shall belong exclusively to the contributory instituting the same for his benefit, and that of any other contributory who may have joined him in causing the institution of such proceeding; but if, before such order is granted, the liquidator shall signify to the Court his readiness to institute such proceeding for the benefit of the Company, an order shall be made prescribing the time within which he shall do so and in that case the advantage derived from such proceeding; shall appertain to the company. 35 40 45 50

Filling vacancies in office of liquidator. Imp. Act, 25 & 26 V. c. 89, s. 140. Appointment by court. Imp. Act, 25 & 26 V. c. 89, s.

25. If any vacancy occurs in the office of liquidator appointed by the company, by death, resignation or otherwise, the company in general meeting may fill up such vacancy;

2. If from any cause there is no liquidator acting, either provisionally or otherwise, the Court may on the application of a contributory, appoint a liquidator or liquidators;



3. The court may also on due cause shown, remove any liquidator, and appoint another liquidator.

4. When there is no liquidator the estate shall be under the control of the Court until the appointment of a new liquidator.

26. Any one or more contributories whose claims in the aggregate exceed five hundred dollars, who may be dissatisfied with the resolutions adopted or orders made by the contributories or the Inspectors, or with any action of the liquidator for the disposal of the property of the company, or any part thereof, or for postponing the disposal of the same, or with reference to any matter connected with the management or winding up of the estate, may, ~~and~~ within four clear days after the meeting of the contributories in case the subject of dissatisfaction is a resolution or order of the contributories, or within four clear days after becoming aware or having notice of the resolution of the inspectors or action of the liquidator where such resolution or action is the subject of dissatisfaction, ~~and~~ give to the liquidator notice that he or they will apply to the Court, on the day and at the hour fixed by such notice, and not being later than four clear days after such notice has been given, or as soon thereafter as the parties may be heard, before such court to rescind such resolutions or orders :

2. The Court, after hearing the Inspectors, the liquidators and contributories present at the time and place so fixed, may approve, rescind or modify the said resolutions or orders :

3. In case of the application being refused the party applying shall pay all costs occasioned thereby, and in other cases the costs and expenses shall be at the discretion of the Court.

27. Any party who is dissatisfied with any order or decision of the Court in any proceeding under this Act, may appeal therefrom to the Court of Appeal, or to any one of the judges of the said Court ; but any appeal to a single judge may, in his discretion, be referred, on a special case to be settled, to the full Court, and on such terms in the meantime as he may think necessary and just.

Appeals.  
Insolvent Act  
of 1875, s. 128.  
Imp. Act, 25  
& 26 Vic., c.  
89. See 124.

2. No such appeal shall be entertained unless the appellant has, within eight days from the rendering of such final order or judgment, taken proceedings on the said appeal, nor unless within the said time he has made a deposit or given sufficient security before a judge that he will duly prosecute the said appeal and pay such damages and costs as may be awarded to the respondent.

3. If the party appellant does not proceed with his appeal, as the case may be, according to the law or the rules of practice, the Court, on the application of the respondent, may dismiss the appeal, and condemn the appellant to pay the respondent the costs by him incurred.

4. The judgment of the said Court of Appeal shall be final.

28. Any powers by this Act conferred on the Court shall be deemed to be in addition to, and not in restriction of, any other powers subsisting, either at law or in equity, of instituting proceedings against any contributory, or against any debtor of the company for the recovery of any call or other sums due from such contributory, or against any debtor of the company, for

Powers of  
Court to be  
in addition to  
its other  
power. Imp.  
Act, 25 & 26  
V. c. 89, s.  
119.

the recovery of any call or other sum due from such contributory or debtor, or his estate, and such proceedings may be instituted accordingly.

Enforcing of  
orders. Imp.  
Act. 25 & 26  
V. c. 89, s.  
120.

**29.** All orders made by the Court may be enforced in the same manner as orders of such Court made in any suit pending therein, or orders of the Court under the Insolvent Acts in force at the time may be enforced; and for the purposes of this part of the Act, the County Courts and the judges thereof shall, in addition to their ordinary powers, have the same power of enforcing any orders made by it, as the Court of Chancery has in relation to matters within the jurisdiction of that Court; and for the last-mentioned purposes the jurisdiction of the County Court Judge shall be deemed to be co-extensive in local limits with the jurisdiction of the Court of Chancery.

County  
Courts to be  
auxiliary.

**30.** The various County Courts of the Province, and the Judges of the said Courts respectively shall be auxiliary to one another for the purposes of this Act; and the winding up of a company, or any matter or proceeding relating thereto, may be transferred from one County Court to another with the concurrence, or by the order or orders, of the two courts, or by an order of a judge of the Court of Appeal.

#### MATTERS OF PRACTICE.

Enforcement  
of order of one  
Court by ano-  
ther. Imp.  
Act, 25 & 26  
V. c. 89, s. 123.

**31.** Where any order made by one Court is required to be enforced by another Court, an office copy of the order so made, certified by the clerk of the Court which made the same, and under the seal of such Court, shall be produced to the proper officer of the Court required to enforce the same, and the production of such copy shall be sufficient evidence of such order having been made; and thereupon such last-mentioned Court shall take such steps in the matter as may be requisite for enforcing such order in the same manner as if it were the order of the Court enforcing the same.

Petition on  
winding up.  
Imp. Act, 25  
& 26 V. c.  
89, s. 82.

**32.** Any application to the Court for winding up of a company under this Act shall be by petition; and the petition may be presented by the company, or by any contributory or contributories of the company.

Course of  
Court on hear-  
ing of petition.  
Imp. Act, 25  
& 26, V. c. 89,  
s. 86.

(2.) Upon hearing the petition the Court may dismiss the same, with or without costs, or may adjourn the hearing, conditionally or unconditionally, and may make an interim order, or any other order that it deems just.

Stay of Pro-  
ceedings to  
wind up.  
Imp. Act, 25  
& 26, V. c. 89,  
s. 89.

**33.** The Court at any time after an order has been made for winding up a company, may, upon the application by motion of any contributory, and upon proof to the satisfaction of the Court that all proceedings in relation to such winding up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as the Court deems fit.

Rules of pro-  
cedure in  
ordinary cases,  
&c., to apply.  
Imp. Act, 25  
& 26 V. c. 89,  
s. 116.

**34.** The rules of procedure for the time being as to amendments of pleadings and proceedings in the County Court, shall as far as practicable apply to all pleadings and proceedings under this Act; and any Court or liquidator before whom such proceedings are being carried on shall have full power and au-



thority to apply the appropriate rules as to amendments to the proceedings so pending before him; and no pleading or proceeding shall be void by reason of any irregularity or default which can or may be amended or disregarded under the rules 5 and practice of the Court.

Insolvent Act,  
sec. 116.

35. In every petition, application, motion, or other pleading or proceeding under this Act, the parties may state the facts upon which they rely, in plain and concise language; and to the interpretation thereof, the rules of construction applicable to 10 such language in the ordinary transactions of life shall apply.

Language of  
proceedings,  
&c. Imp.  
Act, 25 & 26  
V. c. 89, s.

36. All books, accounts, and documents of the company and of the liquidator, shall, as between the contributories of the company, be *prima facie* evidence of the truth of all matters purporting to be therein recorded.

Books, &c., to  
be *prima facie*  
evidence. Imp.  
Act, 25 &  
26 V. c. 89, s.  
154.

15 37. All rules, writs of subpoena, orders and warrants issued by any Court in any matter or proceeding under this Act, may be validly served in any part of Ontario upon the party affected or to be affected thereby, and the service of them may be 20 validly made in such manner as is now prescribed for similar services, and the person charged with such service shall make his return thereof under oath.

Service of sub-  
poenas, &c.  
See Insolvent  
Act, 1877, s.  
111.

38. Except when otherwise provided, *four* clear juridical days' notice of any petition, motion, order or rule shall be sufficient; and service of such notice shall be made in such man- 25 ner as a similar service in a civil suit.

Length of  
notice of pro-  
ceedings.

39. Any affidavit, affirmation or declaration required to be sworn or made under the provisions or for the purposes of this Act, may be sworn or made in Ontario, before the Liquidator, or before any liquidator, judge, notary public, commissioner for 30 taking affidavits; or Justice of the peace; and out of Ontario, before any Judge of a Court of Record, any commissioner for taking affidavits to be used in any Court in Canada, any notary public, the chief Municipal officer for any town or city, any British consul or vice-consul, or any person authorized by or 35 under any Statute of the Dominion or of this Province to take affidavits.

Affidavits  
before whom  
sworn.

2. All Courts, judges, justices, commissioners and persons acting judicially, shall take judicial notice of the seal, or stamp or signature (as the case may be) of any such Court, judge 40 notary public, commissioner, justice, chief municipal officer, consul, vice-consul, liquidator or other person, attached, appended or subscribed to any such affidavit, affirmation or declaration, or to any other document to be used for the purposes of this Act.

Imp. Act, 25  
& 26 Vic., c.  
89. See 125.

#### DISSOLUTION OF COMPANY.

45 40. As soon as the affairs of the company are fully wound up, the liquidators shall make up an account showing the manner in which such winding up has been conducted, and the property of the company disposed of; and thereupon they shall call a general meeting of the company for the purpose of having 50 the account laid before them, and hearing any explanation that may be given by the liquidators; the meeting shall be called

Account of  
winding up to  
be made by  
liquidator to a  
general meet-  
ing. Imp.  
Act, 25 &  
26 V. c. 89, s.  
142.



by advertisement, specifying the time, place, and object of such meeting; and the advertisement shall be published one month at least previously thereto.

Return of holding of meeting to be sent to Provincial Secretary. See Imp. Act, 25 & 26 V. c. 89, s. 143.

(2.) The liquidator shall make a return to the Provincial Secretary of such meeting having been held, and of the date at which the same was held, which return shall be filed in the office of the Provincial Secretary; and on the expiration of three months from the date of the filing of such return, the company shall be deemed to be dissolved. 5

Dissolution. Imp. Act, 25 & 26 V. c. 89, s. 111. Registry of order in Provincial Secretary's office. Imp. Act, 25 & 26 V. c. 89, s. 112.

**41.** Or whenever the affairs of the company have been completely wound up, the Court may make an order that the company be dissolved from the date of such order, and the company shall be dissolved accordingly: which order shall be reported by the liquidator to the Provincial Secretary. 10

Default on reporting. Imp. Act, 25 & 26 V. c. 89, s. 113.

**42.** If the Liquidator makes default in transmitting to the Provincial Secretary the return mentioned in the fortieth section, or in reporting the order (if any) declaring the company dissolved, he shall be liable to a penalty not exceeding twenty dollars for every day during which he is in default. 15

Disposition of unclaimed money. Insolvent Act, 1875, s. 98.

**43.** All dividends deposited in a Bank and remaining unclaimed at the time of the dissolution of the Company, shall be left for three years in the bank where they are deposited, and if still unclaimed, shall then be paid over by such Bank, with interest accrued thereon, to the Treasurer of Ontario, and, if afterwards duly claimed, shall be paid over to the persons entitled thereto, 20

Payment over of moneys in hand of Liquidator. Insolvent Act, 1875, s. 42.

**44.** Every liquidator shall, within thirty days after the date of the dissolution of the company, deposit in the bank appointed or named as hereinbefore provided for, any other money belonging to the estate then in his hands not required for any other purpose authorized by this Act, with a sworn statement and account of such money, and that the same is all he has in his hands, and he shall be subject to a penalty of not exceeding ten dollars for every day on which he neglects or delays such payment; and he shall be a debtor to Her Majesty for such money, and may be compelled as such to account for and pay over the same. 30

(2.) The money so deposited shall be left for three years in the bank, and shall be then paid over with interest to the Treasurer of the Province, and if afterwards claimed shall be paid over to the person entitled thereto. 40

Disposal of books, &c., after dissolution. Imp. Act, 25 & 26 V. c. 89, s. 55.

(3.) Where any company has been wound up under this Act and is about to be dissolved, the books, accounts and documents of the company and of the Liquidators may be disposed of in such a way as the Company by an extraordinary resolution directs. 45

(4.) After the lapse of five years from the date of such dissolution no responsibility shall rest on the Company or the Liquidators, or any one to whom the custody of such books, accounts and documents has been committed, by reason that the same or any of them cannot be made forthcoming to any party or parties claiming to be interested therein. 50

## RULES TO CARRY OUT ACT.

- 45.** The Board of County Judges from time to time shall make, and frame and settle the forms, rules and regulations to be followed and observed in proceedings under this Act, and shall make rules as to the costs, fees and charges which shall or may be had, taken or paid in all such cases by or to attorneys, solicitors or counsel, and by or to officers of courts, whether for the officers or for the Crown, and by or to sheriffs, or other persons whom it may be necessary to provide for, or for any service performed or work done under this Act. Rules and forms.  
Costs.  
16. Imp. s. 170,  
Imp. 30 & 31,  
Vic. c. 131, ss.  
44 and 45.
- 10** (2.) The Board of County Judges or any three of them, shall under their hands, certify to the Chief Justice of the Court of Appeal, all Rules and Forms made under this Act and the Judges of the said Court (of whom the said Chief Justice shall be one) may approve of, disallow, or amend any such Rev. Stat.  
Ont., c. 47.  
ss. 239, 240,  
241.
- 15** Rules or Forms; and the Rules and Forms so approved of (with or without amendment, as the case may be) shall have the same force and effect as if they had been made and included in this Act.
- (3.) Until such forms, rules and regulations are so approved **20** and subject to any which shall be approved, the practice under this Act shall in cases not hereinbefore provided for, be the same (as nearly as may be), as under the Insolvent Acts or the time being in force in this Province.

BILL.

An Act respecting the winding up of Joint  
Stock Companies.

*(Reprinted as amended.)*

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First Reading, 17th January, 1878.

Second " 1st February, 1878.

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Atty-Genl. MOWAT.

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TORONTO:

PRINTED BY HUNTER ROSE & CO.



## An Act to confirm the Revised Statutes of Ontario.

**H**ER MAJESTY, by and with the advice and consent of Preamble.  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

**1.** The Revised Statutes of Ontario as printed by the Queen's Revised  
Printer, and declared by proclamation of the Lieutenant-Gov- Statutes, as  
ernor in Council, dated the seventh day of December last past, printed by the  
to come into force on, from and after the thirty-first day of Queen's  
December last past, have been on, from and after said day, and Printer, de-  
shall hereafter be in force in this Province, to all intents and clared in force  
purposes as though the same were expressly embodied in and from 31st De-  
enacted by this Act, to come into force and have effect on, from cember, 1877.  
and after said day, subject, however, to the provisions of the Subject to 40  
tenth and following sections of the Act, chapter six of the Acts V. c. 6, ss. 10-  
passed by the Legislature of this Province in the fortieth year 16.  
of Her Majesty's reign, entitled "*An Act respecting the Re-*  
*vised Statutes of Ontario.*"

**2.** On, from and after the said thirty-first day of December On and from  
last past, all the enactments in the several Acts and parts of 31st Dec.,  
Acts in the Schedule A. to the said Revised Statutes mentioned, 1877, Acts in  
so far as they relate to this Province, have been and shall re- Schedule A. to  
main repealed to the extent mentioned in the third column of Revised Stat-  
said Schedule A., save only as is provided in the seventh, utes to be re-  
eighth and ninth sections of the said Act, entitled "*An Act*  
*respecting the Revised Statutes of Ontario.*" pealed.

**3.** The Legislature is not, by reason of the passing of this Proviso as to  
Act, or of the Act passed in the fortieth year of Her Majesty's judiciall  
reign, entitled an Act respecting the Revised Statutes of Ontario, decisions.  
to be deemed to have adopted the construction which may, by  
judicial decision or otherwise, have been placed upon the lan-  
guage of any of the Statutes included amongst the Revised  
Statutes.

Third Session, Third Parliament, 41 Vic. 1878

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BILL.

An Act to confirm the Revised Statutes of  
Ontario.

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First Reading, 17th January, 1878.

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Hon. Atty.-Genl. MOWAT.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO.

## An Act to confirm the Revised Statutes of Ontario.

**H**ER MAJESTY, by and with the advice and consent of Preamble.  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

**1.** The Revised Statutes of Ontario as printed by the Queen's Revised  
5 Printer, and declared by proclamation of the Lieutenant-Gov- Statutes, as  
ernor in Council, dated the seventh day of December last past, printed by the  
to come into force on, from and after the thirty-first day of Queen's  
December last past, have been on, from and after said day, and Printer, de-  
shall hereafter be in force in this Province, to all intents and clared in force  
10 purposes as though the same were expressly embodied in and from 31st De-  
enacted by this Act, to come into force and have effect on, from cember, 1877.  
and after said day, subject, however, to the provisions of the  
tenth and following sections of the Act, chapter six of the Acts  
passed by the Legislature of this Province in the fortieth year  
15 of Her Majesty's reign, entitled "*An Act respecting the Re-*  
*vised Statutes of Ontario.*" and to the Act passed in the present  
*Session of the Legislature.*

**2.** On, from and after the said thirty-first day of December  
last past, all the enactments in the several Acts and parts of  
20 Acts in the Schedule A. to the said Revised Statutes mentioned,  
so far as they relate to this Province, have been and shall re-  
main repealed to the extent mentioned in the third column of  
said Schedule A., save only as is provided in the seventh,  
eighth and ninth sections of the said Act, entitled "*An Act*  
25 *respecting the Revised Statutes of Ontario.*" and save as pro-  
vided in any Acts passed during the present Session of the  
*Legislature.*

**3.** The Legislature is not, by reason of the passing of this  
Act, or of the Act passed in the fortieth year of Her Majesty's  
30 reign, entitled an Act respecting the Revised Statutes of Ontario,  
to be deemed to have adopted the construction which may, by  
judicial decision or otherwise, have been placed upon the lan-  
guage of any of the Statutes included amongst the Revised  
Statutes.

Subject to 40  
V. c. 6, ss. 10-  
16.

On and from  
31st Dec.,  
1877, Acts in  
Schedule A. to  
Revised Stat-  
utes to be re-  
pealed.

Proviso as to  
judicial  
decisions.



BILL.

An Act to confirm the Revised Statutes of  
Ontario.

*(Reprinted as Amended.)*

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First Reading, 17th January, 1878.  
Second " 14th February, 1878.

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Hon. Atty. Genl. MOWAT.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to provide for employing persons without the walls of Common Gaols.

(Corrected Copy.)

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor in Council may, from time to time, direct or authorize the employment upon any specific work or duty, beyond the limits of any common gaol, of any prisoner who, after a prior sentence of imprisonment for any breach of any law of Canada or of any Province of Canada, is sentenced to be imprisoned with hard labour in such gaol under the authority of any statute of Ontario, or for the breach of the by-law of any municipal corporation in this Province.
2. Every such prisoner shall, during such employment, be subject to all the rules, regulations and discipline of the gaol so far as applicable, and to any regulations made by the Lieutenant-Governor in Council under the first section of the Act of Canada, passed in the fortieth year of Her Majesty's reign, chaptered thirty-six, for preventing escapes and preserving discipline.
3. No such prisoner shall be so employed, save under the strictest care and supervision of officers appointed to that duty.
4. Every street, highway or public thoroughfare of any kind along or across which prisoners may pass in going to or returning from their work, and every place where they may be employed under this Act, shall, while so used, be considered as a portion of the gaol for the purposes of this Act so far as the legislative authority of this Province extends in this behalf.

Lieutenant Governor may authorize employment of prisoners outside gaols

Discipline of gaol to be observed.

Supervision.

Place of work is to be deemed part of gaol.

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Third Session, Third Parliament, 41 Vic. 1878.

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BILL.

An Act to provide for employing persons  
without the walls of Common Gaols.

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First Reading, 18th January, 1878.

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*(Corrected Copy.)*

Atty.-Genl. MOWAT.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO



An Act to provide for employing persons without the walls of Common Gaols.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor in Council may, from time to time, direct or authorize the employment upon any specific work or duty, beyond the limits of any common gaol, of any prisoner who, after a prior sentence of imprisonment for any breach of any law of Canada or of any Province of Canada, is sentenced to be imprisoned with hard labour in such gaol under the authority of any statute of Ontario, or for the breach of the by-law of any municipal corporation in this Province.

Lieutenant Governor may authorize employment of prisoners outside gaols

2. Every such prisoner shall, during such employment, be subject to all the rules, regulations and discipline of the gaol so far as applicable, and to any regulations made by the Lieutenant-Governor in Council under the first section of the Act of Canada, passed in the fortieth year of Her Majesty's reign, chaptered thirty-six, for preventing escapes and preserving discipline.

Discipline of gaol to be observed.

3. No such prisoner shall be so employed, save under the strictest care and supervision of officers appointed to that duty.

Supervision.

4. Every street, highway or public thoroughfare of any kind along or across which prisoners may pass in going to or returning from their work, and every place where they may be employed under this Act, shall, while so used, be considered as a portion of the gaol for the purposes of this Act so far as the legislative authority of this Province extends in this behalf.

Place of work is to be deemed part of gaol.

5. An account shall be kept of the amount earned by the labour of prisoners imprisoned in any common gaol, and such amount shall be divided between the Province and the county in proportion to the amount contributed by them respectively towards the care and maintenance of the said prisoners; the division shall be made by such officer, or other person or persons, and at such times as the Lieutenant-Governor in Council shall direct.

Application of earnings of prisoners.

Application of  
earnings be-  
tween county  
and city or  
town.

6. In the case of a county in which a city or separated town is situate, the share of such earnings which the said city or town shall be entitled to receive from the county shall, in case the councils are unable to agree with respect thereto, be determined annually by arbitration, according to the provisions of the Municipal Act. 5

Third Session, Third Parliament, 41 Vic. 1878.

# BILL.

An Act to provide for employing persons without the walls of Common Gaols.

(Reprinted as Amended.)

First Reading, 18th January, 1878.

Second Reading, 31st January, 1878.

Atty-Genl. MOWAT.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

No. 64.]

## BILL.

[1878.

An Act respecting the Maritime Court of Ontario.

*Vide Dom.  
Act, 40 V. c.  
21.*

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows: Preamble.

1. In case sittings of the Maritime Court of Ontario or of  
5 any Judge thereof are appointed to be held in any city, town  
or place in which a court-house is situated, the Court or Judge  
shall, for all purposes connected with the said Maritime Court  
and its process, have the same authority as the County Court  
or a Judge thereof, in regard to the use of the court-house,  
10 gaol and other buildings or apartments set apart in the county  
for the administration of Justice. The Court  
may use Court-  
house &c.



No. 64.

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Third Session, Third Parliament, 41 Vic. 1878.

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BILL.

An Act respecting the Maritime Court of  
Ontario.

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First Reading, 31st January, 1878.

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Hon. Atty.-Genl. MOWAT.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act respecting the City of Toronto, and Toronto Water Works.

**W**HEREAS the Council of the Corporation of the City of Toronto have petitioned the Legislature for such enactments as will remove all doubts respecting the powers and duties, rights and privileges of the said Corporation as respects the control and management of the Toronto Water Works, under a committee of the council to be annually appointed : And whereas it is expedient to grant the prayer of their petition.

Preamble

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. All the powers and duties, rights and privileges conferred upon, vested in and enjoyed, and exercised by the Water Works Commission for the City of Toronto, by, and under the several Statutes passed by the Legislature of the Province of Ontario in that behalf, namely : the Act passed in the thirty-fifth year of the reign of Her Majesty, chaptered seventy nine, and intituled "An Act to authorize the Corporation of the City of Toronto, construct Water Works in the City of Toronto," the Act passed in the thirty-seventh year of Her Majesty's reign, chaptered seventy-five, intituled "An Act to amend the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered seventy-nine, intituled "An Act to authorize the Corporation of the City of Toronto to construct Water Works in the City of Toronto," the Act passed in the thirty-ninth year of the reign of Her Majesty, chaptered sixty-four, and intituled "An Act to amend the Acts relating to the Toronto Water Works," and the Act passed in the fortieth year of the reign of Her Majesty, chaptered thirty-nine, and intituled "An Act respecting the City of Toronto, The Toronto Water Works, and other matters," are to be deemed and taken, as having become vested in the Corporation of the City of Toronto, on the thirty-first day of December, one thousand eight hundred and seventy-seven, when the Water Works Commissioner for the City of Toronto, and the powers and duties thereof, under the provisions of the said Acts were determined, and ceased, leaving the Toronto Works to be controlled and managed by a committee appointed by the Council of the Corporation of the City of Toronto, from their own members.
2. All the said acts of the said Corporation of the City of Toronto, and of the committee so appointed to manage the said Water Works, so far as consistent with the provisions of the above mentioned statutes done by them or either of them,

Powers of the Water Works Commission vested in the City Corporation.

Confirmation of acts done by the City.

since the said thirty-first day of December, one thousand eight hundred and seventy-seven, in connection with the control and management of the said Toronto Water Works are hereby confirmed.

Corporation  
to have the  
powers of the  
Water Works  
Commission.

**3.** From and after the date of the passing of this Act, 5  
the said Corporation of the City of Toronto, shall have, hold,  
use, exercise and enjoy all the powers and duties, rights and  
privileges, had, held and used, enjoyed and exercised by the  
"Water Works Commissioner for the City of Toronto," under  
the provisions of the several statutes above mentioned, prior to 10  
the thirty-first day of December, one thousand eight hundred  
and seventy-seven, and hereafter in the reading and application  
of the said several statutes, "The Council of the Corporation of  
the City of Toronto," or "Council," or "Corporation," shall and  
may be substituted for the words, "The Water Works Commis-  
sion for the City of Toronto," "Water Commissioners," "Com- 15  
missioners" and "Commission" where and whenever it may  
be necessary to carry out the intention of this Act."

Third Session, Third Parliament, 41 Vic. 1878.

# BILL.

An Act respecting the City of Toronto and  
Toronto Water Works.

First Reading, 1878.

(PRIVATE BILL.)

Mr. BELL.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.



An Act respecting the City of Toronto, and Toronto Water Works.

WHEREAS the Council of the Corporation of the City of Preamble.

Toronto have petitioned the Legislature for such enactments as will remove all doubts respecting the powers and duties, rights and privileges of the said Corporation as respects the

5 control and management of the Toronto Water Works, under a committee of the council to be annually appointed : And whereas it is expedient to grant the prayer of their petition ;

Therefore Her Majesty, by and with the advice and consent the Legislative Assembly of the Province of Ontario, enacts

10 as follows :—

1. All the powers and duties, rights and privileges conferred upon, vested in and enjoyed, and exercised by the Water Works Commission for the City of Toronto, by and under the several Statutes passed by the Legislature of the Province of Powers of the Water Works Commission vested in the City Corporation.

15 Ontario in that behalf, namely : the Act passed in the thirty-fifth year of the reign of Her Majesty, chaptered seventy nine, and intituled "An Act to authorize the Corporation of the City of Toronto, to construct Water Works in the City of Toronto,"

the Act passed in the thirty-seventh year of Her Majesty's reign, 20 chaptered seventy-five, intituled "An Act to amend the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered seventy-nine, intituled "An Act to authorize the Corporation of the City of Toronto to construct Water Works in the City of Toronto," the Act passed in the thirty-ninth year of the reign

25 of Her Majesty, chaptered sixty-four, and intituled "An Act to amend the Acts relating to the Toronto Water Works," and the Act passed in the fortieth year of the reign of Her Majesty, chaptered thirty-nine, and intituled "An Act respecting the City of Toronto, The Toronto Water Works, and other matters," are to be deemed and taken, as having become vested in the Cor-

30 poration of the City of Toronto, on the thirty-first day of December, one thousand eight hundred and seventy-seven, when the Water Works Commission for the City of Toronto, and the powers and duties thereof, under the provisions of the said Acts were determined, and ceased, leaving the Toronto Works to be 35 controlled and managed by a committee appointed by the Council of the Corporation of the City of Toronto, from their own members.

2. All the said acts of the said Corporation of the City of Toronto, and of the committee so appointed to manage the Confirmation of acts done by the City.

40 said Water Works, so far as consistent with the provisions of the above mentioned statutes done by them or either of them,

since the said thirty-first day of December, one thousand eight hundred and seventy-seven, in connection with the control and management of the said Toronto Water Works are hereby confirmed.

Corporation  
to have the  
powers of the  
Water Works  
Commission.

3. From and after the date of the passing of this Act, 45  
the said Corporation of the City of Toronto, shall have, hold,  
use, exercise and enjoy all the powers and duties, rights and  
privileges, had, held and used, enjoyed and exercised by the  
"Water Works Commission for the City of Toronto," under  
the provisions of the several statutes above mentioned, prior to 50  
the thirty-first day of December, one thousand eight hundred  
and seventy-seven, and hereafter in the reading and application  
of the said several statutes, "The Council of the Corporation of  
the City of Toronto," or "Council," or "Corporation," shall and  
may be substituted for the words, "The Water Works Commis- 55  
sion for the City of Toronto," "Water Commissioners," "Com-  
missioners" and "Commission" where and whenever it may  
be necessary to carry out the intention of this Act."

Taking water  
not to dis-  
qualify for the  
council.

4. No person shall be held to be disqualified from being 60  
elected or sitting as a member of the Council of the Corporation  
of the City of Toronto, by reason of his taking or using the  
water supplied by the Toronto Water Works, or by reason of  
his having any contract with the Corporation of the City of  
Toronto, in respect of such taking or using. 65

65

## BILL.

An Act respecting the City of Toronto and  
Toronto Water Works.

(Reprinted as Amended.)

First Reading, 29th January, 1878.

Second Reading, 6th February, 1878.

(PRIVATE BILL.)

Mr. BELL.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

## An Act to amend "The Pharmacy Act."

WHEREAS, it is expedient to amend "The Pharmacy Act."

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Section five of the said Act is hereby repealed.

S. 5 repealed.

2. Section ten of the said Act is amended, by adding thereto S. 10 amended. the following : " but until such first meeting, the retiring council shall continue in office."

10 3. Section twelve of the said Act is hereby amended, by S. 12 amended. striking out the word " Wednesday " where it occurs in the said section, and substituting the word " Thursday " in lieu thereof.

4. Section thirteen of the said Act is hereby repealed.

S. 13 repealed.

15 5. Section seventeen of the said Act is hereby repealed, and S. 17 amended. the following substituted in lieu thereof : All persons who at the time of the passing of this Act were in business as chemists and druggists, or chemists, druggists or apothecaries, upon their own account or in partnership with any other person, or who  
20 had served an apprenticeship of three years, and had acted as a druggists' assistant for one year, shall be entitled to be registered under this Act, upon production to the registrar of such evidence of their having been so engaged as the council of the said college may require, and upon payment of a registration fee of four dollars, provided such application be made  
25 within twelve months from the date of the passing of the amendments to this Act ; and there shall be payable to the registrar of the said college, for the uses of the college, on the first day of May of each year, by every person registered and  
30 carrying on business as a Pharmaceutical Chemist, the sum of four dollars.

Who may be registered.

6. Section twelve of the said Act is hereby repealed, and S. 12 amended. the following substituted in lieu thereof : The council of the said college shall, subject to the supervision and disallowance  
35 thereof by the Lieutenant-Governor in Council have authority to prescribe the subjects upon which candidates for certificates of competency shall be examined, to establish a scale of fees, not to exceed ten dollars, to be paid by all persons applying for examination, and to make by-laws, rules and orders for the  
40 regulation of their own meetings and proceedings and those of

Power of the council as to subjects of examination, &c.



the college; and for the admission of druggists' assistants and apprentices, as members of the said college; and for the remuneration and appointment of examiners and officers of the said college; and for the payment of the actual expenses of the members of the said council in attending its sittings, or in attending upon the business of the said college; and in respect to any other matters which may be requisite for the carrying out of this Act. 5

S. 29 amended. **7.** Section twenty-nine of the said Act is hereby repealed, and the following substituted in lieu thereof: 10

Penalties for infringement of Act. Any person transgressing any of the provisions of this Act, or selling any poison in violation thereof, shall, for the first offence, incur a penalty not exceeding twenty dollars, nor less than five and costs of prosecution; and for each offence committed subsequent to such conviction, a penalty not exceeding 15 fifty dollars nor less than ten dollars and costs of prosecution, to be recovered in a summary manner before any two Justices of the Peace or Police Magistrate, on the oath of one or more creditable witnesses. The penalty and costs imposed upon any such conviction shall be forthwith paid over to the convicting 20 Justice, and the penalty shall be by him paid over to the registrar of the said Ontario College of Pharmacy; and in case the penalty and costs be not paid forthwith, the said Justice may issue his warrant to commit the defendant to the common jail of the county, there to be imprisoned for any term not exceeding 25 one month, unless the penalty and costs be sooner paid; provided always, that there may be an appeal under the Summary Convictions Act of Upper Canada.

Sec. 32, subsec. 2 amended. **8.** Sub-section two of section thirty-two of the said Act is hereby amended. 30

Section 33 amended. **9.** Section twenty-three of the said Act is hereby amended, by adding thereto, after the words "under this Act," in the sixth line thereof, "Provided such executor, administrator, or trustee continue to pay the annual renewal registration fee of four dollars;" and by striking out the words "without regis- 35 tration under the provisions of this Act," and substituting the words "without examination provided such member of the College of Physicians and Surgeons is registered as a Chemist and Druggist under this Act," in lieu thereof.

Applications for apprenticeship. **10.** Every person desirous of becoming apprenticed to a re- 40 gistered pharmaceutical chemist shall, before the term of his indenture commences, furnish to the registrar of the college a certificate from the nearest county, city, or town inspector of schools, or head master of any public or high school, showing that such person has shown a creditable degree of proficiency 45 on those subjects that are prescribed by the Council of Public Instruction as forming the subjects of examination for admission of pupils to high schools or collegiate institutes.

Terms of apprenticeship. **11.** The term of apprenticeship of every apprentice to a pharmaceutical chemist or qualified medical practitioner, where such 50 practitioner is registered and keeps open shop as a chemist and druggist, shall be four years, and every such apprentice must be bound by contract in writing to serve the said term: Every such contract or copy of such contract shall within six months

Registration of contract.

from the execution thereof be filed with the Registrar of the Ontario College of Pharmacy, together with an affidavit in which shall be specified the names of the pharmaceutical chemist and of the person so bound, and their places of abode respectively, together with the date at which the engagement commenced; in any case or cases where, owing to the death of the employer, failure in business, or other just cause, the apprentice is unable to complete his full term under the contract filed with the registrar, that another employer may engage him for the remaining term of his apprenticeship, or where, from any just cause the apprentice is unable to fulfil his engagement, &c., with the person to whom he was first bound, then the time shall run concurrent.

**12.** No apprentice shall be entitled to be enrolled as a pharmaceutical chemist unless: Enrollment of apprentices.

(1.) He has during the term specified in his contract of apprenticeship, duly served thereunder, and has during the whole of such term been actually employed in the proper business of the pharmaceutical chemist to whom he has been bound, nor unless—

(2.) At least fourteen days before the sittings of the council of the said college, he has filed with the registrar an affidavit of due service under his contract of apprenticeship, and given notice of intention to present himself for examination, and paid a fee not exceeding ten dollars; nor unless—

(3.) Within six months of the expiration of such term, he has passed a satisfactory examination before the board of examiners appointed by the said college, touching his fitness and capacity for a pharmaceutical chemist; such examination may take place at any examination held any time during the last six months, or any subsequent period.

**13.** Every person desirous of being examined touching his qualifications to act as a Pharmaceutical Chemist, and who may have served his apprenticeship in any place other than the Province of Ontario, shall, at least two weeks before any examination held under the auspices of said college, pay to the registrar the required fees, and give notice in writing of his intention to present himself for examination, and produce satisfactory evidence, that he has served not less than four years as an apprentice, or assistant, or both, to a regularly qualified Pharmaceutical Chemist. Applications for examination.

**14.** Every person who prior to the passing of this Act, was engaged as apprentice or assistant, or both, to a registered pharmaceutical chemist, may at any time within six months of the completion of his four years' service, whether as an apprentice or assistant, or both, upon filing with the registrar an affidavit of such services, with such other satisfactory evidence as may be required of his having served the time required, shall be entitled to come up for examination, as prescribed under subsection two of section twelve of this Act. Examination of present serving apprentices.

**15.** Every registered pharmaceutical chemist not engaged in business for himself shall pay yearly, on or before the first day of May, a fee of two dollars, and the payment of this fee shall entitle him to a copy of the society's publications and all other privileges of membership, excepting that of carrying on business for himself. Fees of pharmaceutical chemists.

Honorary  
members.

**16.** It shall be competent for the council of the said college to elect as honorary members, such persons as may be eminent for their scientific attainments, but such honorary members shall not be entitled to vote at elections, nor be qualified to keep open shop as pharmaceutical chemists.

5

Certain persons entitled to registration.

**17.** All persons holding diplomas by examination, granted by the Pharmaceutical Society of Great Britain, shall, on payment of the usual fees, be entitled to registration as members of the Ontario College of Pharmacy, and the same privilege may be extended to any person holding a like certificate from any Pharmaceutical Association or College of the Dominion of Canada or of the United States approved of by the Council of the Ontario College of Pharmacy, provided such college shall extend the same privilege to any member of the Ontario College of Pharmacy, holding its certificate of registration by examination.

Retiring members.

**18.** Every person registered under this Act or the Act hereby amended shall, on retiring from the business of a chemist and druggist, file with the registrar a notice of the same, or shall otherwise be held liable for the annual fee.

20

Penalties.

**19.** Any person contravening any of the provisions of this Act shall be subject to the same fines and penalties as are named in section nine of this Act as amended.

Repeal of inconsistent enactments.

**20.** All the provisions of this Act hereby amended inconsistent with the provisions of this Act, are hereby repealed, and this Act shall be read as part of the Act hereby amended.

25

BILL.

An Act to amend "The Pharmacy Act."

First Reading, 21st January, 1878.

MR. CLARKE.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.



## An Act respecting the sale of land under mortgage.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. Every mortgage of real estate upon default being made  
5 in the payment of principal or interest may be foreclosed, and  
the mortgage lands sold in the manner hereinafter mentioned. Foreclosure  
and sales may  
be had.
2. To entitle any person to give a notice as hereinafter pre-  
scribed, and to make such foreclosure it shall be requisite that  
some default in a condition for the payment of money on such  
10 mortgage shall have occurred. Some default  
must be made.
3. Notice, that such mortgage will be foreclosed by a sale of  
the mortgaged premises or some part of them shall be given as  
follows : How notice  
shall be given  
of foreclosure  
by sale.
  1. By publishing the same for twelve weeks successively, at  
15 least once in each week in a newspaper printed in the  
county where the premises are intended to be sold shall be  
situated, of if such premises shall be situated in two or more  
Counties, in a newspaper printed in either of them ; Publication in  
newspaper.
  2. By posting at least fifty of such notices in fifty public  
20 places in each of the municipalities where such lands are situ-  
ate, at least one month before and not more than two months  
before the day of sale, and by delivering a copy of such notice  
at least two months before the day of sale to the registrar or  
registrars of the county or counties wherein such land is situate,  
25 who shall immediately register the same in a book to be pre-  
pared and kept for such purpose, which book shall shew the  
time of receiving and registering the same, for which service  
the registrar shall be entitled to a fee of fifty cents ; Posting  
notices.  
Copy to  
registrar.
  3. By serving a copy of such notice, at least two months  
30 prior to the time of sale upon the mortgagor or his personal  
representatives, and upon the subsequent grantees and mort-  
gages of the premises or any part thereof, where conveyances  
and mortgages shall be upon record at the time of the first pub-  
lication of the notice, and upon all persons having a lien or  
35 claim by or under an execution or decree upon the mortgaged  
premises subsequent to such mortgage, personally, or by leaving  
the same at their dwelling house with a grown up person, or  
by depositing the same in the post office properly enclosed in a  
registered letter directed to the said persons at their respective  
40 addresses.. Service on all  
persons inter-  
ested.
  4. Every such notice shall specify : What the  
notice shall  
specify.
    1. The name of the mortgagor and of the mortgagee, and  
the name of the assignee, if any ;

2. The date of the mortgage and when and where registered ;
3. The amount claimed to be due thereon at the time of the first publication of such notice ;
4. A description of the mortgaged premises conforming substantially with that contained in the mortgage ;
5. The time, place, and terms of sale.

**Postponement.** 5. Such sale may be postponed from time to time, by inserting a notice of such postponement as soon as practicable, in the newspaper in which the original advertisement was published, and continuing such publication until the time to which the sale shall be postponed. 10

**Sale to be at auction by sheriff.** 6. Such sale shall be at public auction, in the day-time, at the sheriff's office, in the county where the mortgaged premises or some part of them are situate, and such sale shall be conducted by the sheriff, at whose office the same takes place. 15

**Separate sales if separate properties.** 7. If the mortgaged premises consist of distinct farms, tracts, or lots, they shall be sold separately, and no more farms, tracts, or lots shall be sold than shall be necessary to satisfy the amount due on such mortgage at the time of sale, and the costs and expenses allowed by law. 20

**Sheriff's fees.** 8. The sheriff shall receive the proceeds of such sale, and shall be entitled to retain for his fees therein two thirds of the amount that he would be entitled to receive if the money had been made on an execution against lands.

**Mortgages may buy.** 9. The mortgagee, his assigns, and his or their legal representatives may fairly and in good faith purchase the premises so advertised or any part thereof at such sale ; and in such case the sheriff shall endorse on such mortgage the amount paid thereon by the sale, and to that extent such mortgage shall be deemed satisfied. 25 30

**Sale to be equivalent to foreclosure.** 10. Every sale made as aforesaid and conducted as herein prescribed and made to a purchaser in good faith, shall be equivalent to a foreclosure and sale under the decree of the Court of Chancery so far only as to be an entire bar of all claims or equity of redemption of the mortgagor, his heirs and representatives or all persons claiming under him or them by virtue of any title subsequent to such mortgage ; and also any person having a lien by execution or decree upon the land or any part thereof contained in such mortgage subsequent to such mortgage, and every person having any lien or claim by or under such subsequent execution or decree who shall have been served with notice of said sale as required by this Act. 35 40

**Sheriff to pay over proceeds of sales.** 11. The sheriff shall immediately pay over to the holder of such mortgage the amount realized at such sale to the amount due on such mortgage and costs, unless the holder of such mortgage is the purchaser, in which case he shall make the endorsement mentioned in the ninth section of this Act. 45

**Surplus.** 12. If there be any surplus money from such sale after paying the mortgage debt, costs, and sheriff's fees, it shall be paid by the sheriff to the parties entitled thereto, on demand. 50

**13.** In the event of any dispute as to the amount due on such mortgage or as to the surplus money at such sale, the sheriff may apply to the Judge of the County Court of the county for directions as to the payment of such money, or he may deposit the amount in one of the superior courts and the court in which the money is deposited may in a summary manner adjudicate upon the rights of the parties claiming such money, imposing such terms as to costs or otherwise as the court sees fit. Disputes as to amount due or to surplus.

**14.** The sheriff conducting such sale shall give duplicate certificates under his hand and seal of office to the purchaser or purchasers in the form or to the like effect of the form in schedule "A" of this Act, and such certificate shall be evidence of the sale and foreclosure of the equity of redemption as herein specified. Sheriff's certificate of sale.

**15.** Affidavits of the publication, services and advertisement by the Act required, may be sworn before any commissioner for taking affidavits in one of the superior courts, or before a Justice of the Peace, and they shall be registered at full length together with the sheriff's certificate of sale by the registrar of the county wherein the land lies embraced in such certificate and for registering the same and granting the usual certificates, such registrar shall be paid the sum of two dollars. Affidavits.

**16.** The only costs allowed in proceedings under this Act in addition to sheriff's fees shall be those in schedule B to this Act. Costs.

**17.** Any person interested in such sale of lands may have the costs of sale taxed by the clerk of the county court of the county in which the sale takes place. Taxation.

**18.** This Act shall extend and apply to lands under mortgage in which infants are or may be interested. Infants.

## SCHEDULE A.

*Referred to in section 14.*

I, \_\_\_\_\_, in the county of \_\_\_\_\_, do certify that under and by virtue of "The Act respecting the sale of lands under mortgage," I did on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 187\_\_\_\_, sell to A. B., of, &c., \_\_\_\_\_ the following lands and premises, that is to say: (*describe the lands sold*) for the sum of \_\_\_\_\_ which said lands were mortgaged by an indenture of mortgage dated the \_\_\_\_\_ day of \_\_\_\_\_, 187\_\_\_\_, and registered on the \_\_\_\_\_ day of \_\_\_\_\_, made by A. B., of, &c., \_\_\_\_\_ of the first part, C. D., of, &c., \_\_\_\_\_ of the second part, (*showing the parties to the mortgage*) to secure the sum of money therein mentioned.

Witness my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 187\_\_\_\_.

\_\_\_\_\_  
Sheriff of the county of \_\_\_\_\_.



## SCHEDULE B.

Costs to the attorney of the mortgagee his assignee or representative.

Instructions.	\$2 00
Every necessary letter.	50
Every necessary attendance.	25
Drawing advertisement and copy	3 00
Every necessary affidavit	50
Fee on attending sale.	5 00
Bill of costs and copy	50
All necessary disbursements, such as postage, mileage, printing, &c	

## BILL.

An Act respecting the sale of land under mortgage.

First Reading, 22nd January, 1878.

HON. MR. CURRIE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the law for the protection of Game  
and Fur-bearing Animals.

**W**HEREAS it is expedient to amend the law respecting  
the preservation of game and fur-bearing animals in  
Ontario ;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :

1. Chapter two hundred of the Revised Statutes of Ontario is hereby repealed. R. S. O. c. 200 repealed.

2. None of the animals or birds hereinafter mentioned shall be hunted, taken or killed within the periods hereinafter limited: Periods within which certain animals may be killed.  
Deer, Elk, Moose, Reindeer, or Cariboo, between the first day of January and the first day of September ; (2) Wild Turkeys, Grouse, Pheasants, Prairie Fowl or Partridge, between the first day of January, and the first day of September ; (3) Quail, between the first day of January and the first day of October ; (4) Woodcock, between the first day of January and the fifteenth day of August ; (5) Snipe, between the first day of January, and the first day of September ; (6) Wild Ducks, Swans or Geese, between the first day of January, and the fifteenth day of August ; (7) Hares or Rabbits, between the first day of March and the first day of September.

3. No person shall have in his possession any of the said animals or birds, or any part or portion of any of such animals or birds, whether the same be taken or killed in Canada or the United States, during the periods in which they are so protected ; provided that they may be exposed for sale for seven days, and no longer after such periods, and may be had in possession for the private use of the owner and his family at any time, but in all cases the proof of the time of killing or taking shall be upon the person so in possession. Possession during such periods how far lawful.

4. No eggs of any of the birds above mentioned shall be taken, destroyed or had in possession by any person at any time. Protection of eggs.

5. None of the said animals or birds, except the animals mentioned in the seventh section of this Act, shall be trapped, or taken by means of traps, nets, snares, gins, baited lines, or other similar contrivances, nor shall such traps, nets, snares, gins, baited lines or contrivances be set for them, or any of them at any time, and such traps, nets, snares, gins, baited lines, or contrivances may be destroyed by any person without such person thereby incurring any liability therefor. Trapping forbidden except as to certain animals.

Batteries, &c.,  
for wild fowl  
forbidden.

6. None of the contrivances for taking or killing the Wild Fowl, known as Swans, Geese or Ducks, which are described as batteries, sunken punts or night-lights, shall be used at any time.

Fur-bearing  
animals.

7. No Beaver, Muskrat, Mink, Sable, Martin, Raccoon, Otter, or Fisher shall be hunted, taken or killed, or had in the possession of any person between the first day of May and the first day of November; nor shall any traps, snares, gins or other contrivances be set for them during such period, nor shall any Muskrat house be destroyed at any time, and any such traps, snares, gins, or other contrivances so set may be destroyed by any person without such person thereby incurring any liability therefor; provided that this section shall not apply to any person destroying any of the said animals in defence or preservation of his property.

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8. Offences against this Act shall be punished upon summary conviction on information or complaint before a Justice of the Peace as follows with costs: 1. In the case of Deer, Elk, Moose, Reindeer or Cariboo, by a fine not exceeding fifty dollars, nor less than ten dollars for each animal. 2. In the case of birds or eggs, by a fine not exceeding twenty-five dollars nor less than five dollars for each bird or egg. 3. In the case of fur-bearing animals mentioned in the seventh section of this Act by a fine not exceeding twenty-five dollars, nor less than five dollars for each animal. 4. In the case of other breaches of this Act, by a fine not exceeding twenty-five dollars, nor less than five dollars.

Disposition of  
penalties.

9. The whole of such fine shall be paid to the prosecutor, unless the convicting justice has reason to believe that the prosecution is in collusion with and for the purpose of benefiting the accused in which case the said justice may order the disposal of the fine as in ordinary cases.

30

Confiscation of  
game illegally  
killed.

10. In all cases confiscation of game shall follow conviction and the game so confiscated shall be given to some charitable institution or purpose at the discretion of the convicting justice.

35

Game import-  
ed for breeding  
not to be  
killed.

11. In order to encourage persons who have hereafter imported or hereafter import different kinds of game with the desire to breed and preserve the same on their own lands, it is enacted that it shall not be lawful to hunt, shoot, kill, or destroy any such game without the consent of the owner of the property wherever the same may have been bred.

40

Poisoning  
animals.

12. It shall not be lawful for any person to kill or take any animal by the use of poison or poisonous substances, nor to expose poison, poisoned bait or other poisoned substances in any place or locality where dogs or cattle may have access to the same.

45

Hunting Deer  
for exporta-  
tion.

13. No person not being a permanent resident of Canada shall at any time hunt, take, or kill any Deer, Elk, Moose, Reindeer or Cariboo, for the purpose of exporting the same out of Canada, and in all cases the onus of proving that any said Deer, Elk, Moose, Reindeer or Cariboo so hunted, taken or killed is not intended to be exported as aforesaid, shall be upon the person hunting, killing or taking the same.

50





BILL.

An Act to amend the law for the protection  
of Game and Fur-bearing animals.

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First Reading, Jan. 22nd, 1878.

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Mr. MOSTYN.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to amend the law for the protection of Game  
and Fur-bearing Animals.

WHEREAS it is expedient to amend the law respecting  
the preservation of game and fur-bearing animals in  
Ontario;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. Chapter two hundred of the Revised Statutes of Ontario, R. S. O. c. 200  
is hereby repealed. repealed.

2. None of the animals or birds hereinafter mentioned shall  
be hunted, taken or killed within the periods hereinafter limited: Periods within  
which certain  
animals and  
birds may be  
killed.  
Deer, Elk, Moose, Reindeer, or Cariboo, between the *fifteenth  
day of December and the fifteenth day of September in the  
following year*; (2) Wild Turkeys, Grouse, Pheasants, Prairie  
Fowl or Partridge, between the first day of *February*, and the  
first day of *October*; (3) Quail, between the first day of *January*  
and the first day of *October*; (4) Woodcock, between the  
first day of *January* and the first day of *August*; (5) Snipe,  
between the first day of *May* and the *fifteenth day of August*;  
(6) *Waterfowl, which are known as Mallard, Grey Duck,*  
*Black Duck, Wood or Summer Duck, and all the kinds of*  
*Duck known as Teal, between the first day of January and the*  
*first day of September*; (7) *Other Ducks, Wild Swans or Geese,*  
*between the first day of May and the first day of September*;  
(8) Hares or Rabbits, between the first day of *March* and the  
first day of *September*.

3. The said animals or birds may be exposed for sale  
for one month, and no longer, after the beginning of the periods  
above respectively limited for their protection, and may be had  
in possession for the private use of the owner and his family  
at any time, but in all cases the proof of the time of killing or  
taking shall be upon the person so in possession; (1) Except  
as aforesaid, no person shall have in his possession any of the  
said animals or birds, or any part or portion of any of such  
animals or birds, during the periods in which they are so pro-  
hibited.

Possession  
during such  
periods how  
far lawful.

4. No eggs of any of the birds above mentioned shall be  
taken, destroyed or had in possession by any person at any  
time.

Protection of  
eggs.

5. None of the said animals or birds, except the animals  
mentioned in the seventh section of this Act, shall be trapped,

Trapping for-  
bidden except  
as to certain  
animals.



or taken by means of traps, nets, snares, gins, baited lines, or other similar contrivances, nor shall such traps, nets, snares, gins, baited lines or contrivances be set for them, or any of them at any time, and such traps, nets, snares, gins, baited lines, or contrivances may be destroyed by any person without such person thereby incurring any liability therefor. 5

Batteries, &c.,  
for wild fowl  
forbidden.

6. None of the contrivances *which are described as batteries, sunken punts, sunken boats or night lights shall be used at any time for taking or killing the wild fowl known as Swans, Geese or Ducks, nor shall any Wild Ducks be killed during the night time, that is to say from dark until daylight.* 10

Fur-bearing  
animals.

7. No Beaver, Muskrat, Mink, Sable, Martin, Racoon, Otter, or Fisher shall be hunted, taken or killed, or had in the possession of any person between the first day of May and the first day of November; nor shall any traps, snares, gins or other contrivances be set for them during such period, nor shall any Muskrat house be destroyed at any time, and any such traps, snares, gins, or other contrivances so set may be destroyed by any person without such person thereby incurring any liability therefor; provided that this section shall not apply to any person destroying any of the said animals in defence or preservation of his property. 20

8. Offences against this Act shall be punished upon summary conviction on information or complaint before a Justice of the Peace as follows with costs: 25

1. In the case of Deer, Elk, Moose, Reindeer or Cariboo, by a fine not exceeding fifty dollars, nor less than ten dollars for each animal.

2. In the case of birds or eggs, by a fine not exceeding twenty-five dollars nor less than five dollars for each bird or egg. 30

3. In the case of fur-bearing animals mentioned in the seventh section of this Act by a fine not exceeding twenty-five dollars, nor less than five dollars for each animal.

4. In the case of other breaches of this Act, by a fine not exceeding twenty-five dollars, nor less than five dollars. 35

Disposition of  
penalties.

9. The whole of such fine shall be paid to the prosecutor, unless the convicting justice has reason to believe that the prosecution is in collusion with and for the purpose of benefiting the accused in which case the said justice may order the disposal of the fine as in ordinary cases. 40

Confiscation of  
game illegally  
killed.

10. In all cases confiscation of game shall follow conviction and the game so confiscated shall be given to some charitable institution or purpose at the discretion of the convicting justice.

Game import-  
ed for breeding  
not to be  
killed.

11. In order to encourage persons who have hereafter imported or hereafter import different kinds of game with the desire to breed and preserve the same on their own lands, it is enacted that it shall not be lawful to hunt, shoot, kill, or destroy any such game without the consent of the owner of the property wherever the same may have been bred. 45

Poisoning  
animals.

12. It shall not be lawful for any person to kill or take any animals or birds mentioned in this Act by the use of poison or poisonous substances, nor to expose poison, poisoned bait or 50

other poisoned substances in any place or locality where dogs or cattle may have access to the same.

- 13.** No person not being a permanent resident of Canada shall at any time hunt, take, or kill any Deer, Elk, Moose, Reindeer or Cariboo, for the purpose of exporting the same out of Ontario, and in all cases the onus of proving that any said Deer, Elk, Moose, Reindeer or Cariboo so hunted, taken or killed is not intended to be exported as aforesaid, shall be upon the person hunting, killing or taking the same; Hunting Deer  
for exportation.

(1) *Offences against this section shall be punished by a fine not exceeding twenty-five dollars nor less than five dollars for each animal.*

- 14.** No owner of any dog trained or accustomed to hunt deer shall permit any such dog to run at large (if such dog is accustomed or is likely to resort to the woods unaccompanied by such owner or any of his family or other person) during the period hereinbefore prohibited for hunting, taking or killing deer; and any such owner permitting any such dog to run at large shall, on conviction thereof, be liable to the penalty mentioned in sub-section four of section eight of this Act, and any person harbouring any such dog or claiming to be the owner thereof shall be deemed to be the owner thereof for the purposes of this Act.

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Third Session, Third Parliament, 41 Vic, 1878.

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BILL.

An Act to amend the law for the protection  
of Game and Fur-bearing Animals.

*(Reprinted as Amended.)*

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First Reading, 22nd January, 1878.

Second " 11th February, 1878.

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Mr. MOSTYN.

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TORONTO;

PRINTED BY HUNTER, ROSE & CO.



## An Act to amend the "Mechanics' Lien Act."

**W**HEREAS it is desirable to afford greater protection to the earnings of the working Mechanics, Labourers and suppliers of material, than is now provided by law ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

**1.** Section eleven of the Revised Statutes of Ontario, chapter one hundred and twenty, intituled, "An Act to establish liens in favour of Mechanics, Machinists, and others," is hereby amended as follows :—

**11.** "All payments, up to ninety per centum of the price to be paid for the work, machinery or materials, as defined by section three of this Act, made in good faith by the owner to the contractor, or by the contractor to the sub-contractor, or by one sub-contractor to another sub-contractor, before notice in writing by the person claiming the lien has been given to such owner, contractor or sub-contractor (as the case may be), of the claim of such person, shall operate as a discharge *pro tanto* of the lien created by this Act, but this section shall not apply to any payment made for the purpose of defeating or impairing a claim to a lien existing or arising under this Act."

**2.** The said lien shall operate as a charge to the extent of ten per centum of the price to be paid as aforesaid by such owner, up to ten days after the completion of the work or of the delivery of the materials, and no longer, unless notice in writing be given as hereinbefore provided.

R.S. O. c. 120,  
s. 11, amended.

Certain payments to be a discharge of the lien.

Lien to extend of 10 per cent when a charge.

Third Session, Third Parliament, 41 Vic. 1878.

BILL,

An Act to amend the "Mechanics' Lien  
Act."

First Reading, 22nd of January, 1878.

Mr. ROBINSON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

## An Act to amend the "Mechanics' Lien Act."

WHEREAS it is desirable to afford greater protection to the earnings of the working Mechanics, Labourers and suppliers of material, than is now provided by law ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section eleven of the Revised Statutes of Ontario, chapter one hundred and twenty, intituled, "An Act to establish liens in favour of Mechanics, Machinists, and others," is hereby  
 10 amended as follows :—

11. "All payments, up to ninety per centum of the price to be paid for the work, machinery or materials, as defined by section three of this Act, made in good faith by the owner to the contractor, or by the contractor to the sub-contractor, or by one  
 15 sub-contractor to another sub-contractor, before notice in writing by the person claiming the lien has been given to such owner, contractor or sub-contractor (as the case may be), of the claim of such person, shall operate as a discharge *pro tanto* of the lien created by this Act, but this section shall not apply to  
 20 any payment made for the purpose of defeating or impairing a claim to a lien existing or arising under this Act."

2. The said lien shall, *in addition to all other rights or remedies given to the said Act*, also operate as a charge to the extent of ten per centum of the price to be paid as aforesaid  
 25 by such owner, up to ten days after the completion of the work in respect of which such lien exists, or of the delivery of the materials, and no longer, unless notice in writing be given as hereinbefore provided.

3. Every mechanic or other person who has bestowed money or skill and materials upon any chattel or thing in the alteration and improvement in its properties or for the purpose of imparting an additional value to it so as thereby to be entitled to a lien upon such chattel or thing for the amount or value of the money or skill and materials bestowed, shall, *while such*  
 35 *lien exists but not afterwards*, in case the amount to which he is entitled remains unpaid for three months after the same ought to have been paid, have the right in addition to all other remedies provided by law, to sell the chattel or thing in respect of which the lien exists, or giving one week's notice by advertisement in  
 40 a newspaper published in the municipality in which the work was done, or in case there is no newspaper published in such municipality, then in a newspaper published nearest thereto,

R.S. O. c. 120,  
 s. 11, amended.

certain payments to be a discharge of the lien.

Lien to extent of 10 per cent. when a charge.

Mechanics entitled to lien on a chattel for work done may sell the chattel if (after three months) payment is not made.



stating the name of the person indebted, the amount of his indebtedness, a description of the chattel or thing to be sold, the time and place of sale, and the name of the auctioneer; and after such sale, such mechanic or other person shall apply the proceeds of such in payment of the amount due to him and the costs of advertising and sale, and shall pay over the surplus (if any) to the person entitled thereto on application being made to him therefor, and leaving a like notice in writing at the last or known place of residence (if any) of the owner, if he be a resident of such municipality. 5 10

## BILL.

An Act to amend the Mechanics' Lien Act.

*(Reprinted as Amended.)*

Second " 4th February, 1878.  
First Reading, 22nd January, 1878.

Mr. ROBINSON.

TORONTO:

PRINTED BY HUNTER ROSE & Co.

## An Act to amend the "Mechanics' Lien Act."

HEREAS it is desirable to afford greater protection to the earnings of the working Mechanics, Labourers and suppliers of material, than is now provided by law ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section eleven of the Revised Statutes of Ontario, chapter one hundred and twenty, intituled, "An Act to establish liens in favour of Mechanics, Machinists, and others," is hereby amended as follows :—

R.S. O. c. 120,  
s. 11, amended.

11. "All payments, up to ninety per centum of the price to be paid for the work, machinery or materials, as defined by section three of this Act, made in good faith by the owner to the contractor, or by the contractor to the sub-contractor, or by one sub-contractor to another sub-contractor, before notice in writing by the person claiming the lien has been given to such owner, contractor or sub-contractor (as the case may be), of the claim of such person, shall operate as a discharge *pro tanto* of the lien created by this Act, but this section shall not apply to any payment made for the purpose of defeating or impairing a claim to a lien existing or arising under this Act."

certain payments to be a discharge of the lien.

2. The said lien shall operate as a charge to the extent of ten per centum of the price to be paid as aforesaid by such owner, up to ten days after the completion of the work in respect of which such lien exists, or of the delivery of the materials, and no longer, unless notice in writing be given as hereinbefore provided.

Lien to extent of 10 per cent. when a charge.

3. Every mechanic or other person who has bestowed money or skill and materials upon any chattel or thing in the alteration and improvement in its properties or for the purpose of imparting an additional value to it so as thereby to be entitled to a lien upon such chattel or thing for the amount or value of the money or skill and materials bestowed, shall, in case the amount to which he is entitled remains unpaid for three months after the same ought to have been paid, have the right in addition to all other remedies provided by law, to sell the chattel or thing in respect of which the lien exists, or giving one week's notice by advertisement in a newspaper published in the municipality in which the work was done, or in case there is no newspaper published in such municipality, then in a newspaper published nearest thereto, stating the name of the person indebted, the amount of his indebtedness, a description

Mechanics entitled to a lien on a chattel for work done may sell the chattel if (after three months) payment is not made.

of the chattel or thing to be sold, the time and place of sale, and the name of the auctioneer; and after such sale, such mechanic or other person shall apply the proceeds of such in payment of the amount due to him and the costs of advertising and sale, and shall pay over the surplus (if any) to the person entitled thereto on application being made to him therefor, and leaving a like notice in writing at the last or known place of residence (if any) of the owner, if he be a resident of such municipality. 5

## BILL.

An Act to amend the Mechanics' Lien Act.

*(Reprinted as amended.)*

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First Reading, 22nd January, 1878.

Second " 4th February, 1878.

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Mr. ROBINSON.

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TORONTO:

PRINTED BY HUNTER ROSE & Co.



## An Act relating to the Trial of Civil Causes.

**W**HEREAS, for the convenience of jurors attending courts of *Nisi Prius* it is expedient that defended issues and enquiries or assessment of damages to be tried or made by juries, should be disposed of before defended issues and enquiries on assessment of damages, tried or made before the Judge :

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

- 10 **1.** Section two hundred and forty-nine of the Revised Statutes of Ontario, chaptered fifty, is hereby repealed, and the following section substituted in lieu thereof :—

R. S. O., c. 50, s. 249, amended.

249. The party entering any such record shall endorse thereon whether it is an assessment of damages, an undefended issue or a defended issue, and whether the issue is to be tried before a judge or a jury ; and the Clerk of Assize shall make two lists and enter such record in one of the said lists, in the order in which the records are received by him ; and in the first list he shall enter all the assessments and undefended issues, and in the second list all defended issues, and shall note each case that requires the issues to be tried or damages assessed by a jury ; and the judge at *nisi prius* may call on the causes with undefended issues at such time and times as he finds most convenient for disposing of the business, and he shall try and dispose of all causes with defended issues or assessment or inquiry of damages to be tried or made by a jury before causes having issues to be tried, or for assessment or inquiry of damages to be made or disposed of by the Judge.

Endorsements on records.

Clerk of Peace to make lists, &amp;c.

Trial o. cases.

No. 70.

Third Session, Third Parliament, 41 Vic. 1878.

BILL.

An Act relating to the Trial of Civil Causes.

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First Reading, 22nd January, 1878.

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Mr. MONK.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the Revised Statutes for the Protection of Insectivorous and other Birds beneficial to Agriculture.

WHEREAS it is expedient to amend the law providing Preamble.  
for the protection of insectivorous and other birds referred to in the Act for the protection in Ontario of insectivorous and other birds beneficial to agriculture ;

5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. From and after the passing of this Act, chapter two hundred and one of the Revised Statutes of Ontario, is amended  
10 as follows:—After the word “ravens” in the fourth line of the second section of the said Act the word “plover” shall be inserted, and after the last word in said section shall be added, “provided that meadow larks, rails, rice-birds, and black birds, may be shot between the first day of September  
15 and the first day of January.” R. S. O. c. 201, s. 2.



BILL.

An Act to amend the Act for the Protection  
of Insectivorous and other Birds beneficial  
to Agriculture.

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First Reading, 22nd January, 1878.

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Mr. MOSTYN.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to amend the Revised Statutes for the Protection of Insectivorous and other Birds beneficial to Agriculture.

WHEREAS it is expedient to amend the law providing <sup>Preamble.</sup> for the protection of insectivorous and other birds referred to in the Act for the protection in Ontario of insectivorous and other birds beneficial to agriculture ;

5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. From and after the passing of this Act, chapter two hundred and one of the Revised Statutes of Ontario, is amended <sup>R. S. O. c. 201, s. 2.</sup> as follows:—After the word “ravens” in the fourth line of the second section of the said Act the words “plover, *black birds and cherry birds*” shall be inserted, and after the last word in said section shall be added, “provided that rails, may be shot between the first day of September and the first day of 15 January.”

Third Session, Third Parliament, 41 Vic., 1878.

BILL.

An Act to amend the Act for the Protection  
of Insectivorous and other Birds beneficial  
to Agriculture.

*(Reprinted as Amended.)*

First Reading: 22nd January, 1878.

Second " 11th February, 1878.

Mr MOSTYN.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.



An Act to legalize By-law No. 221, of the County  
Oxford.

- W**HEREAS the Council of the County of Oxford, on the Preamble.  
fourth day of January, one thousand eight hundred  
and seventy-eight, passed by-law numbered, two hundred and  
twenty-one, which by-law is hereinafter set forth in Schedule  
5 "A" to this Act, to revise and equalize the assessment rolls of  
the several Municipalities in the County of Oxford, for the  
year one thousand eight hundred and seventy-seven, so that  
the same so revised and equalized might form the basis upon  
which the county rate for the year one thousand eight hundred  
10 and seventy-eight should be appointed; And whereas doubts  
have arisen, whether the said equalization was made in proper  
time, and it is expedient to remove such doubts and to confirm  
said by-law and the equalization of the assessment rolls made  
thereby.
- 15 Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. The said by-law, numbered two hundred and twenty-  
one, and the equalization of the assessment rolls of the said  
20 County of Oxford, for the year one thousand eight hundred  
and seventy-seven, thereby made is hereby declared to have  
been from the passing thereof, and to be and continue legal and  
valid, any law or statute to the contrary notwithstanding.
- By-law 221 of  
County of Ox-  
ford legalized.

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SCHEDULE "A."

BY-LAW NO. 221.

By-law of the Municipal Council of the County of Oxford to  
revise and equalize the assessment rolls of the several Muni-  
cipalities of the County of Oxford, for the year 1877, so that the  
same, so revised and equalized, may form the basis upon which  
the County rate for the year 1878 shall be apportioned.

Whereas, it is expedient and necessary to revise and equalize  
the several Assessment Rolls of the several Municipalities in  
the County of Oxford, for the year 1877, so that such rolls,  
when finally revised and equalized, may form the basis upon  
which the county rate for the year 1878 shall be apportioned,  
and whereas, the assessment rolls of the County of Oxford, for  
the year 1876, have been examined and compared with the as-  
sessment rolls for the year 1877, in accordance with the provi-  
sions contained in the Assessment Act of 1869.

Now, therefore, the Municipal Council of the County of Oxford enacts, that the assessment rolls of the several Municipalities in the County of Oxford, for the year 1877, be, and the same are hereby revised and equalized at the several sums set on the right hand, opposite the names of the said several Municipalities in the County of Oxford, and that such revised and equalized rolls shall form the basis upon which the county rate for the year 1878 shall be apportioned amongst the said several Municipalities respectively.

<i>Name of Municipality.</i>	<i>Amount as Equalized.</i>
Town of Woodstock .....	\$1,032,638
Town of Ingersoll .....	825,948
Town of Tilsonburg .....	321,362
Village of Norwich .....	171,799
Village of Embro .....	88,624
Township of Blandford .....	1,271,626
Township of Blenheim .....	2,934,526
Township of Dereham .....	2,970,271
Township of East Nissouri .....	2,171,200
Township of North Norwich .....	1,581,761
Township of South Norwich .....	1,430,377
Township of North Oxford .....	963,926
Township of East Oxford .....	1,611,758
Township of West Oxford .....	1,169,615
Township of East Zorra .....	2,679,746
Township of West Zorra .....	2,573,268

THOMAS ROBINSON,

Read a third time, and passed 4th January, 1878. Warden.  
DAVID WHITE, County Clerk.

No. 72.

Third Session, Third Parliament, 41 Vic. 1878.

BILL.

An Act to legalize By-law No. 221, of the  
County Oxford.

First Reading, 22nd January, 1878.

(PRIVATE BILL)

Atty.-Genl. MOVAT.

TORONTO:

PRINTED BY HUNTER, ROSE & CO

## An Act to amend the Law respecting Trial by Jury.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act shall apply to all civil causes depending in the 5 superior courts and in county courts in which issues of fact are, according to the practice of the said courts, required to be tried and damages assessed by juries, and to an assessment of damages in which there is no issue of fact. Cases whereto the Act applies.
2. If the jury retire to consider their verdict, the clerk of 10 the court shall note in his minute book the time of such retirement, Clerk to note time of absence of jury.
3. One hour or any longer time after the time of such retirement, if eleven of the said jurors be agreed upon a verdict, it shall be considered sufficient, although the remaining juror do 15 not agree as to the same. Verdict by 11.
4. Two hours or any longer time after such retirement, if 20 ten of the said jurors shall agree to a verdict, it shall be sufficient, although the two remaining jurors do not agree to the same. Verdict by 10.
5. Three hours or any longer time after such retirement, if 25 nine of the said jurors shall agree to a verdict, it shall be sufficient, although the three remaining jurors shall not agree to the same. Verdict by 9.
6. A verdict rendered under this Act shall have the same 25 effect as an unanimous verdict. Verdict to have effect as though unanimous.
7. When a jury notice has been filed by any of the parties to an action, it shall not be dispensed with except upon an order made by a judge in chambers before the commission day 30 of the assizes. Jury notice, when not to be dispensed with.



BILL.

An Act to amend the Law respecting Trial  
by Jury.

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First Reading,	1878.
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Mr. BETHUNE.

# An Act to provide for Cumulative Voting for Municipal Purposes.

HER Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

1. There is hereby added to section seventy-seven of the Revised Statutes of Ontario, chapter one hundred and seventy-four, a section entitled seventy-seven (1), in the words following, that is to say :

(1.) "Each of the said electors shall be entitled to one vote, and, in cities and towns, each of the said electors who is a freeholder shall be entitled to an additional vote or votes, in proportion to the real property in respect of which he is rated as such freeholder, according to the following scale, that is to say :

- |    |   |   |
|----|---|---|
|    | "(a) Every freeholder assessed at a sum exceeding one thousand dollars and under two thousand dollars shall be entitled to one additional vote.       | Property above \$1,000 and under \$2,000. |
| 15 | "(b) Every freeholder assessed at a sum exceeding two thousand dollars and under three thousand dollars shall be entitled to two additional votes.    | Above \$2,000 and under \$3,000.          |
| 20 | "(c) Every freeholder assessed at a sum exceeding three thousand dollars and under four thousand dollars shall be entitled to three additional votes. | Above \$3,000 and under \$4,000.          |
|    | "(d) Every freeholder assessed at a sum exceeding four thousand dollars and under five thousand dollars shall be entitled to four additional votes.   | Above \$4,000 and under \$5,000.          |
| 25 | "(e) Every freeholder assessed at a sum exceeding five thousand dollars and under ten thousand dollars shall be entitled to five additional votes.    | Above \$5,000 and under \$10,000.         |
|    | "(f) Every freeholder assessed at a sum exceeding ten thousand dollars and under twenty thousand dollars shall be entitled to six additional votes.   | Above \$10,000 and under \$20,000.        |
| 30 | "(g) Every freeholder assessed at a sum exceeding twenty thousand dollars shall be entitled to seven additional votes.                                | Above \$20,000.                           |

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Third Session, Third Parliament, 41 Vic., 1878.

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BILL.

An Act to provide for Cumulative Voting  
for Municipal Purposes.

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First Reading, 22nd January, 1878.

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Mr. BETHUNE.

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TORONTO :

PRINTED BY HUNTER, ROSE & Co.



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No. 75.]

## BILL.

[1878.

An Act to amend the law respecting High Schools.

**H**ER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. It is hereby declared to be the true intent and meaning of R. S. c. 205, s.  
30 explained.  
5 section thirty of chapter two hundred and five of the Revised  
Statutes of Ontario, that in the case of an union of counties  
each of the counties shall be considered as a separate county for  
the purpose of the said section, and that in the case of the for-  
10 mation heretofore or hereafter of High School Districts out of  
the whole or part or parts of the county, the whole of every  
sum required to be levied for any purpose shall be levied from  
the High School District.

No. 75.

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Third Session, Third Parliament, 41 Vic. 1878.

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BILL.

An Act to amend the law respecting High  
Schools.

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First Reading, 25th January, 1878.

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Mr. BETHUNE.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co

## An Act to amend the law respecting High Schools.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. There shall be added to the High Schools Act as section  
5 thirty-one (a) a section in words following, that is to say ;
- 31 (a.) In the case of a union of counties the county coun-  
cil upon the written requisition of a majority of the reeves  
and deputy reeves of any one county of such union shall con-  
stitute such county a separate county for high school purposes,  
10 in which case such county shall contribute only to the support  
of one or more high schools which may be established therein  
and in such amount separately from any other county within  
the jurisdiction of the county council, and upon the like re-  
quisition the county council shall pass the requisite by-law for  
15 abolishing existing high school districts within such county,  
and upon the like requisition shall otherwise deal with all  
matters relating to the high schools therein.

R. S. c. 205  
amended.

Separating a  
county from a  
union for high  
school pur-  
poses.



BILL.

An Act to amend the law respecting High  
Schools.

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First Reading, 25th January, 1878.

Second " 11th February, 1878.

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Mr. BETHUNE.

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TORONTO :

PRINTED BY HUNTER, ROSE & Co.

## An Act to amend the law respecting High Schools.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. There shall be added to the High Schools Act as section 5 thirty-one (a) a section in words following, that is to say ;

R. S. c. 205  
amended.

31 (a.) In the case of a union of counties the county council upon the written requisition of a majority of the reeves and deputy reeves of any one county of such union shall constitute such county a separate county for high school purposes, in which case such county shall contribute only to the support of one or more high schools which may be established therein and in such amount separately from any other county within the jurisdiction of the county council, and upon the like requisition the county council shall pass the requisite by-law for abolishing existing high school districts within such county, and upon the like requisition shall otherwise deal with all matters relating to the high schools therein.

Separating a  
county from a  
union for high  
school pur-  
poses.

2. At the first meeting in each year of every Public School Board in cities, towns, villages and townships, and of every High School or Collegiate Institute Board, and of every Board of Education, at which the election of Chairman is appointed to take place, the Secretary of such Board shall preside, or if there be no Secretary, the members present shall select one of themselves to preside at the election of Chairman, and the member so selected to preside may vote as a member.

3. In case of an equality of votes at the election of Chairman of any such Board, the member who has served, continuously or otherwise, for the longest period of time, as a school trustee within the municipality or district in which the election is held, or, (in case there are two members of equal length of service as such school trustee, who will not agree as to which of such two shall have the second vote) the member who is assessed as a ratepayer for the largest sum on the last revised Assessment Roll, shall have a second or casting vote in addition to his vote as a member.

Third Session, Third Parliament, 41 Vic., 1878.

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BILL.

An Act to amend the law respecting High  
Schools.

*(Reprinted as Amended.)*

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First Reading, 25th January, 1878.

Second " 11th February, 1878.

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Mr BETHUNE.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co



No. 76.]

## BILL.

[1878.]

### An Act in respect to Municipal Elections.

HER MAJESTY, by and with the advice and consent of the Preamble.  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. The giving or causing to be given at any nomination or Giving re-  
5 polling day, at any municipal election, or within any polling freshment or  
division in any municipality, to any voter about to vote or money there-  
having voted, any meat, drink or refreshment, or any money, for, a corrupt  
or ticket, to enable such voter to procure refreshments or drink practice.  
shall be deemed a corrupt practice, and the persons offending  
10 shall also forfeit to any person suing for the same, the sum of  
ten dollars for each offence with full costs of suit.

\*  
2. No spirituous or fermented liquors or strong drink shall Spirituous  
be sold or given at any hotel, tavern, shop, or other place within liquors for-  
the limits of any polling subdivision at such election, during bidden during  
15 the polling day thereon or any part thereof, under a penalty of polling day.  
one hundred dollars for every offence, and the offender shall be  
subject to imprisonment not exceeding six months, at the dis-  
cretion of the judge or court in default of payment of such fine.

No. 76.

Third Session, Third Parliament, 41 Vic. 1878.

BILL.

An Act in respect to Municipal Elections.

First Reading, 29th January, 1878

Mr. HAY.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

## An Act to amend the Mechanics' Lien Act of 1873.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Preamble.

1. From and after the passing of this Act, every mechanic, labourer or other person doing work upon the construction, alteration or repair of any building or erection, or in the performance of any manual labour, shall have a lien or charge for the price of such work upon such building or erection, and the land belonging thereto, or property of whatsoever kind belonging to those for whom such labour shall have been performed, and limited to such amount as shall be justly due to the person or persons entitled to such lien.

Lien of mechanics and labourers.

2. Every mechanic, labourer, or other person employed, may secure lien by giving the owner an attested account of demand to the effect in Schedule A. to this Act, and filing a copy of the same in the registry office in the city, county or riding in which the land or property is situated during the progress of such work ; and the owners shall thereupon retain out of subsequent payments to the contractor, the amount of such claim to the benefit of the person or persons so claiming.

Manner of securing lien.

3. The owner shall notify the contractor of the claim made upon him, in order that the contractor may settle with claimant or claimants ; Provided, however, that if the contractor fail or neglect so to effect such settlements, the owner may pay such amounts claimed.

Owner to notify contractor of claims.

4. Should the contractor or owner, and the claimant or claimants disagree, the matter in dispute may be referred to arbitration, the contractor or owner naming one arbitrator, claimant or claimants naming the other, and the third shall be chosen by the two already appointed, and who shall have no personal interest in the matter to be adjudicated upon : the decision of such arbitrators to be final.

Disputes to be referred to arbitration.

5. Should the contractor fail to pay the amount awarded within three days, the owner may proceed to pay to the claimant or claimants out of funds in his possession to the credit of the contractor, and such payment or payments so made shall appear as a set-off in any subsequent action which may be entered by such contractor against such owner.

Proceedings in case the contractor fails to pay amount awarded.

6. Payments by the owner to the contractor in advance or by collusion, shall not relieve the owner as to liability as to claim or claims under this Act.

Collusion between owners and contractor.

7. Any number of persons so employed may join in one suit.

Joinder of parties in suit.



Lien to attach to encumbered estates.

8. Lien shall attach to encumbered estates, and shall have priority of all other claims, to the extent by which the selling value of such property has been increased.

Death of parties.

9. In the event of the removal by death of either parties, the lien shall revert to the representatives.

5

Property liable to attachment.

10. Only the building erected or repaired, where the contractor is a leaseholder, or the property of whatsoever kind belonging to the person or persons employing such labour, shall be liable to attachment.

Registration of claims.

11. Registrars shall register such claims so that the same may appear as an incumbrance against the land or property, therein described, upon payment of the fee of one dollar, and such lien shall be discharged by the registrar on receiving a certificate to that effect from the person entitled to such lien, and verified as required in cases of certificate of discharge of mortgage.

15

Limitation to right of lien.

12. Such lien shall absolutely cease to exist within ninety days after such work shall have been completed, unless in the meantime proceedings shall have been instituted to realize such a claim under the provisions of this Act.

Claims within the jurisdiction of the County or Division Court, how enforced.

13. When the amount of such claim is within the jurisdiction of the County or Division Court respectively, proceedings to recover the same according to the usual procedure of the said Court by judgment and execution, may be taken in the proper Division Court or the County Court of the county in which the land or property charged is situate, or proceedings may be taken before the Judge of the said Courts, who may proceed in a summary manner, by summons and order, and may take accounts and make requisite enquiries, and in default of payment may direct the sale of the estate, and interest charged at such time, as the same can be sold under execution, and such further proceedings may be taken for the purpose aforesaid, as the judge may think proper in his discretion; and any conveyance under his seal shall be effectual to pass the estate or interest sold, and the fees and costs in all proceedings taken under this section shall be such as are payable in respect of the like or similar matters according to the ordinary procedure of the said Courts respectively.

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Liens may be realized in the Court of Chancery.

14. In other cases the lien may be realized in the Court of Chancery according to the ordinary procedure of that Court.

Removal of machinery during continuance of claim.

15. After the registration and during the continuance of any claim, no portion of the property affected thereby, or the machinery therein, shall be removed to the prejudice of such lien, and any attempt at any such removal may be restrained by application to the County Court or the judge thereof, or the Court of Chancery respectively and account.

45

Paying amount of claims into Court.

16. Upon application to the County Court or the judge thereof, in claims under two hundred dollars, and to the Court of Chancery in other cases, such Judge or Court may receive security or payment into Court in lieu of the amount of such claim, and may thereupon vacate the registry of such lien; 50 providing in case the person claiming to be entitled to such lien shall have wrongfully refused to sign a certificate of discharge thereof, or shall without just cause claim a larger sum to be due than is found by such judge or Court, the judge or Court may order and adjudge him to pay the other party such costs as the 55 judge or Court may think fit to award.

17. In this Act the term "contractor" means a person contracting with or employed directly by the owner for the doing of work or placing or furnishing of machinery materials for the purposes mentioned in the second section of this Act; the  
 5 term "sub-contractor" means a person not contracting with or employed directly by the owner for the purposes aforesaid, but contracting with or employed either mediately or immediately by a person so contracting or employed; and the term "owner" extends to and includes a person having any estate or interest,  
 10 legal or equitable, in the lands upon or in respect of which the work is done, or materials or machinery are placed or furnished, at whose request and upon whose credit or on whose behalf or with whose privity or consent or for whose direct benefit any such work is done, or materials or machinery placed or fur-  
 15 nished, and all persons claiming under him, whose rights are acquired after the work in respect of which the lien is claimed is commenced, or the materials or machinery furnished have been commenced to be furnished.

Interpretation  
of the words  
"contractor."

"Sub-contractor."

"Owner."

18. This Act may be cited as "The Labor Lien Act of 1878." Short Title.

20 19. All Acts inconsistent with the provisions of this Act are hereby repealed.

Repeal of in-  
consistent  
enactments.

#### SCHEDULE A.

A. B. of under "The Labor Lien Act of 1878," claims a lien upon the estate or interest of C. D, of in respect of the following work, that is to say for the said C. D., the amount claimed as due or to become due is the sum of dollars. The description of the land or property to be charged is the following

Dated at this day of A.D.,  
 18 .

No. 77.

Third Session, Third Parliament, 41 Vic. 1878

BILL.

An Act to amend the Mechanics Lien Act  
of 1873.

First Reading, 29th January, 1878.

Mr. O'DONOHUE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.



## BILL.

## An Act to preserve the Forests from destruction by Fire.

WHEREAS large quantities of valuable timber are annually destroyed by fires which are in many instances the result of negligence and carelessness, it is therefore necessary to provide stringent regulations for the prevention of such fires.  
 5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor, may, by proclamation to be made by him from time to time, issued by and with the advice and consent of the Executive Council, declare any portion or part of the Province of Ontario to be a fire district.

Preamble.

Lt.-Governor may proclaim a fire district.

2. Every proclamation under this Act shall be published in the *Ontario Gazette*, and such portion or part of the Province as is mentioned and declared to be a fire district in and by the said proclamation, shall, from and after the said publication, become a fire district within the meaning and for the purposes of this Act.

Publication of fire district.

3. Every such portion or part of the Province mentioned in such proclamation, shall cease to be a fire district upon the revocation by the Lieutenant-Governor in Council of the proclamation by which it was created.

Revocation.

4. It shall not be lawful for any person to set out, or cause to be set out or started, any fire in or near the woods within any fire district, between the first day of May and the first day of September in any year, except for the purpose of clearing land, cooking, obtaining warmth, or for some industrial purpose; and in cases of starting fires for any of the above purposes, the obligations and precautions imposed by the following sections shall be observed.

Fires not to be started except for certain purposes and in certain periods.

5. Every person who shall between the first day of May and the first day of September, make or start a fire within such fire district for the purpose of clearing land, shall exercise and observe every reasonable care and precaution in the making and starting of such fire, and in the managing of and caring for the same after it has been made and started, in order to prevent such fire from spreading and burning up the timber and forests surrounding the place where it has been so made and started.

Precautions to be taken in case of clearing land.

6. Every person who shall, between the first day of May and the first day of September, make or start within such fire dis-

Precautions, in case of cooking, &amp;c.

strict a fire in the forest, or at a distance of less than half-a-mile therefrom, for cooking, obtaining warmth, or for any industrial purpose, shall—

1. Select a locality in the neighbourhood in which there is the smallest quantity of vegetable matter, dead wood, branches, brushwood, dry leaves, or resinous trees;

2. Clear the place in which he is about to light the fire by removing all vegetable matter, dead trees, branches, brushwood, and dry leaves from the soil within a radius of twenty-five feet;

3. Exercise and observe every reasonable care and precaution to prevent such fire from spreading, and carefully extinguish the same before quitting the place.

Precautions in cases of matches, burning substances, &c.

7. Any person who shall throw or drop on the ground any burning match, ashes of a pipe, lighted cigar or any other burning substance, or who shall discharge any fire-arm within such fire district shall be subject to the pains and penalties imposed by this Act, if he neglect completely to extinguish before leaving the spot the fire of such match, ashes of a pipe, cigar, wadding of the fire-arm or other burning substance.

Act to be read to employees by heads of surveys, lumberers, &c.

8. Every person in charge of any drive of timber, survey or exploring party, or of any other party requiring camp-fires for cooking or other purposes within such fire district, shall provide himself with a copy of this Act, and shall call his men together and cause said Act to be read in their hearing, and explained to them at least once in each week during the continuance of such work or service.

Precautions as to locomotives,

9. It shall not be lawful for the driver or engineer of any locomotive or the conductor of any railway train upon any railroad, to run such locomotive within any part of such fire district between the said first day of May and the first day of September in any year, unless the smoke-stack of such locomotive shall be completely and securely covered by a good and sufficient fire-screen, the meshes of which shall not be larger than inches.

Penalty for non-compliance with this Act.

10. Whosoever unlawfully neglects or refuses to comply with the requirements of this Act in any manner whatsoever, shall be liable upon a conviction before any justice of the peace to a penalty not exceeding fifty dollars over and above the costs of prosecution, and in default of payment of such fine and costs, the offender shall be imprisoned in the common gaol for a period not exceeding three calendar months.

Term for bringing action.

11. Every suit for any contravention of this Act shall be commenced within three calendar months immediately following such contravention.

Disposal of fines.

12. All fines imposed and collected under this Act shall be paid one-half to the complainant or prosecutor and the other half into the Treasury of the Province.

Government agents to enforce this Act.

13. It shall be the special duty of every Crown Land agent, woods and forest agent, Free Grant agent, and bush ranger, to enforce the provisions and requirements of this Act, and in all cases coming within the knowledge of any such agent or bush ranger to prosecute every person guilty of a breach of any of the provisions and requirements of the same.





BILL.

An Act to preserve the Forests from destruction by Fire.

First Reading, 30th January, 1878.

Hon. Mr. PARDEE.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to preserve the Forests from destruction by Fire.

**W**HEREAS large quantities of valuable timber are annually destroyed by fires which are in many instances the result of negligence and carelessness, it is therefore necessary to provide stringent regulations for the prevention of such fires.

5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor, may, by proclamation to be made by him from time to time, issued by and with the advice and consent of the Executive Council, declare any portion or part of the Province of Ontario to be a fire district.

Preamble.

Lt.-Governor may proclaim a fire district.

2. Every proclamation under this Act shall be published in the *Ontario Gazette*, and such portion or part of the Province as is mentioned and declared to be a fire district in and by the said proclamation, shall, from and after the said publication, become a fire district within the meaning and for the purposes of this Act.

Publication of fire district.

3. Every such portion or part of the Province mentioned in such proclamation, shall cease to be a fire district upon the revocation by the Lieutenant-Governor in Council of the proclamation by which it was created.

Revocation.

4. It shall not be lawful for any person to set out, or cause to be set out or started, any fire in or near the woods within any fire district, between the first day of *April* and the first day of *November* in any year, except for the purpose of clearing land, cooking, obtaining warmth, or for some industrial purpose; and in cases of starting fires for any of the above purposes, the obligations and precautions imposed by the following sections shall be observed.

Fires not to be started except for certain purposes and in certain periods.

5. Every person who shall between the first day of *April* and the first day of *November*, make or start a fire within such fire district for the purpose of clearing land, shall exercise and observe every reasonable care and precaution in the making and starting of such fire, and in the managing of and caring for the same after it has been made and started, in order to prevent such fire from spreading and burning up the timber and forests surrounding the place where it has been so made and started.

Precautions to be taken in case of clearing land.

6. Every person who shall, between the first day of *April* and the first day of *November* make or start within such fire dis-

Precautions in case of cooking, &c.

trict a fire in the forest, or at a distance of less than half-a-mile therefrom, *or upon any Island* for cooking, obtaining warmth, or for any industrial purpose, shall—

1. Select a locality in the neighbourhood in which there is the smallest quantity of vegetable matter, dead wood, branches, brushwood, dry leaves, or resinous trees; 5

2. Clear the place in which he is about to light the fire by removing all vegetable matter, dead trees, branches, brushwood, and dry leaves from the soil within a radius of *ten feet from the fire*; 10

3. Exercise and observe every reasonable care and precaution to prevent such fire from spreading, and carefully extinguish the same before quitting the place.

Precautions in cases of matches, burning substances, &c.

7. Any person who shall throw or drop any burning match, ashes of a pipe, lighted cigar or any other burning substance, or who shall discharge any fire-arm within such fire district shall be subject to the pains and penalties imposed by this Act, if he neglect completely to extinguish before leaving the spot the fire of such match, ashes of a pipe, cigar, wadding of the fire-arm or other burning substance. 15 20

Act to be read to employees by heads of surveys, lumberers, &c.

8. Every person in charge of any drive of timber, survey or exploring party, or of any other party requiring camp-fires for cooking or other purposes within such fire district, shall provide himself with a copy of this Act, and shall call his men together and cause said Act to be read in their hearing, and explained to them at least once in each week during the continuance of such work or service. 25

Precautions as to locomotives,

9. That all locomotive engines used on any railway which passes through any such fire district or any part of it, shall, by the company using the same, be provided with and have in use all the most approved and efficient means used to prevent the escape of fire from the furnace or ash-pan of such engines, and that the smoke-stack of each locomotive engine so used shall be provided with a bonnet or screen of iron or steel wire netting, the size of the wire used in making the netting to be not less than number nineteen of the Birmingham wire gauge, or three sixty-fourth parts of an inch in diameter, and shall contain in each inch square at least eleven wires each way at right angles to each other, that is in all twenty-two wires to the inch square. 30 35 40


Duty of engine drivers.

10. It shall be the duty of every engine driver in charge of a locomotive engine passing over any such railway within the limits of any such fire district, to see that all such appliances as are above-mentioned are properly used and applied, so as to prevent the unnecessary escape of fire from any such engine as far as it is reasonably possible to do so. 45

Penalty for non-compliance with this Act.

11. Whosoever unlawfully neglects or refuses to comply with the requirements of this Act in any manner whatsoever, shall be liable upon a conviction before any justice of the peace to a penalty not exceeding fifty dollars over and above the costs of prosecution, and in default of payment of such fine and costs, the offender shall be imprisoned in the common gaol for a period not exceeding three calendar months; and any railway 50




company permitting any locomotive engine to be run in violation of the provisions of the ninth section of this Act shall be liable to a penalty of one hundred dollars for each offence, to be recovered with costs in any court of competent jurisdiction. 

**12.** Every suit for any contravention of this Act shall be commenced within three calendar months immediately following such contravention. Term for bringing action.

**13.** All fines and penalties imposed and collected under this Act shall be paid one-half to the complainant or prosecutor and the other half to *Her Majesty for the public use of the Province*. Disposal of fines.

**14.** It shall be the special duty of every Crown Land agent, woods and forest agent, Free Grant agent, and bush ranger, to enforce the provisions and requirements of this Act, and in all cases coming within the knowledge of any such agent or bush ranger to prosecute every person guilty of a breach of any of the provisions and requirements of the same, Government agents to enforce this Act

**15.** Nothing in this Act contained shall be held to limit or interfere with the right of any party to bring and maintain a civil action for damages occasioned by fire, and such right shall remain and exist as though this Act had not been passed.  Act not to interfere with right of action for damages occasioned by fire.

No. 78.

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Third Session, Third Parliament, 41 Vic., 1878.

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BILL.

An Act to preserve the Forests from destruction by fire.

*(Reprinted as Amended.)*

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First Reading, 30th January, 1878.

Second " 12th February, 1878.

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(PRIVATE BILL.)

Hon. Mr. PARDEE.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to extend the Religious Institutions Act to  
the Church of England in Ontario.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 5 1. All the rights, powers, and privileges, conferred upon any religious society or congregation of Christians, by the Revised Statutes respecting the property of religious institutions, are hereby declared to extend and apply to The Church of England in this Province, formerly or otherwise called The United Church of England and Ireland in Canada, or The United Church of England and Ireland in Upper Canada, or The Church of England in Upper Canada.
- 10
2. Provided always, that land shall not be sold, mortgaged, leased, or otherwise encumbered, under the powers conferred by the said Act, as extended or declared by this Act, except with the consent of the vestry of the church or congregation interested therein, and of the Bishop of the Diocese, and the Executive Committee of the Synod of the Diocese; and it is hereby declared, that the consent or assent of the vestry, given in accordance with the rules and canons of the said Church, shall be deemed to be the consent or assent of the congregation within the meaning of the said Act, and the execution of the deed by the Bishop, and by the Secretary or Secretaries of the Synod, or a memorandum of consent endorsed thereon and signed by them, shall, in favour of the grantee and his assigns, be conclusive evidence of the consent or assent of the Bishop and Executive Committee.
- 15
- 20
- 25

The provisions of chapter 216 of the Revised Statutes extended to the Church of England.  
Imp. Stat. 37 & 38 Vic. c. 85; 29 & 30 Vic. cap. 16; 33 Vic. cap. 57, Dom.; 38 Vic. cap. 74, Ont.; 39 Vic. c. 107, Ont.; 39 Vic. c. 109, Ont.; 39 Vic. c. 111, Ont.

How land may be sold or encumbered.

Revised Stat. cap. 216, s. 9.



Third Session, Third Parliament, 41 Vic. 1878.

BILL.

An Act to extend the Religious Institutions  
Act to the Church of England in Ontario.

First Reading, 30th January, 1878.

Hon. Mr. Crooks.

TORONTO:

PRINTED BY HUNTER ROSE & CO.

An Act to amend the Jurors' Act.

WHEREAS it is expedient that the names of the persons selected to serve as grand or petit jurors, should be transcribed in the jurors' book in alphabetical order, without regard to the residence of the persons whose names are so transcribed therein, for the purpose, in the selection of jurors, to more equally distribute the burthen of attending the courts among the inhabitants of the several municipalities of the county :  
Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section twenty-five of the "Juror's Act" is hereby amended by inserting after the word "order" in the ninth line thereof, the words "without regard to locality."

2. Those portions of forms 1, 4, 7, and 10, to the certificate of the clerk of the peace at the foot of each form of Schedule B of the said Act, is hereby amended by substituting in lieu thereof the forms 1, 4, 7, and 10 of this Act respectively.

SCHEDULE "B."

Sections 24, 25.

FORM OF JUROR'S BOOK.

The Juror's Book for the County of York, for the year 18 , (1).

1.—Roll of Grand Jurors.

To serve in Her Majesty's Superior Courts (2) of Criminal Jurisdiction.

No. on Roll.	NAME.	No. of Lot or house as in report of Selectors.	Concession or Street or unincorporated Village or Hamlet, as in report of Selectors.	City, Township, Village or Ward.	Addition.	No. on line.	Remarks.
1	Allen, Simon . . . . .	21	7	Brock Township.	Yeoman.	1	Exempted, having served on G. J. List, S. C. 18.
2	Anderson, John . . . .	16	2	Albion Township.	Esquire.		
3	Arthur, Thomas . . . .	3	2 from Bay.	26 York Township.	Yeoman.		
4	Aylof, Graham . . . . .	19	4	Albion Township.	Gentleman.		
5	Bolland, George . . . .	5	12	Brock Township.	Gentleman.		
6	Bonner, John . . . . .	27	Bay Street.	St. George's Ward, Toronto City.	Carpenter.		
7	Bosworth, David . . . .	11	7	Albion Township.	Merchant.		
8	Bull, Peter . . . . .	14	1 E. Yonge Street.	York Township.	Yeoman.		
9	Cameron, Peter . . . .	4	6	Albion Township.	Yeoman.		
10	Curran, John . . . . .	186	Parliament Street.	St. David's Ward, Toronto City.	Gentleman.		
11	Jones, Alfred . . . . .	2	Edgar Street.	Yorkville Village.	Plumber.		
12	Harris, William . . . .	35	Yonge Street.	St. James' Ward, Toronto City.	Carpenter.		
13	Wilkinson, James . . .	13	4	Brock Township.	Esquire.		
14	Yates, Edward . . . . .	1	5	Brock Township.	Yeoman.	144	
15	Young, David . . . . .	7	8	Albion Township.	Tailor.	3	

4.—*Roll of Grand Jurors.*

To serve in Her Majesty's Inferior Courts (2) of Criminal Jurisdiction (3).

No. on Roll.	NAME.	No. of Lot or house as in report of Selectors.	Concession or Street or unincorporated Village or Hamlet, as in report of Selectors.	City, Township, Village or Ward.	Additions.	No. on line.	Remarks.
1	Acland, White .....	16	2	Albion Township.	Esquire.		Exempted, having served on G. J. List, S. C. 18.
2	Adams Wm. ....	9	4	Albion Township.	Gentleman.		
3	Ash, Simon .....	21	7	Markham Tp.	Yeoman.		
4	Astor, Thomas .....	3	2 from Bay.	York Township.	Yeoman.	1	
5	Borland, George .....	5	12	Brock Township.	Gentleman.	2	
6	Cotton, James .....	1	4	Markham Village.	Tailor.		
7	Doan, Harry .....	149	E. Yonge Street.	St. James' Ward, Toronto City.	Carter.		
8	Eswald, David .....	11	7	Albion Township.	Merchant.		
9	Hamilton, Peter ....	4	6	Brock Township.	Yeoman.		
10	Large, George .....	7	8	Albion Township.	Tailor.	3	
11	Peel, Peter .....	27	1 E. Yonge Street.	York Township.	Yeoman.		
12	Waters, Edward ....	1	5	Brock Township.	Yeoman.	144	
13	Wilkinson, James ..	13	Queen Street.	St. Patrick's Ward, Toronto City.	Esquire.		

7.—*Roll of Petit Jurors.*

To serve in Her Majesty's Superior Courts (2) of Criminal and Civil Jurisdiction (3).

No. on Roll.	NAMES.	No. of lot or house, as in report of Selectors.	Concession or street or unincorporated village or hamlet, as in report of selectors.	City, township, village, or ward.	Additions.	No. on line.	Remarks.
1	Adams, George ...	5	5	Albion township	Gentleman	1	Exempted ; having served on P. J. List, S. C. 18.
2	Aikins, Simon .....	21	7	Albion do.	Yeoman ..	2	
3	Alley, Wm. ....	25	3	Albion do.	Yeoman ..	3	
4	Ashford, Thomas .	19	5	Markham do.	Yeoman ..	3	
5	Barclay, John .....	9	2	Albion do.	Shoemaker ..	3	
6	Cameron, William ..	4	6	York do.	Yeoman ..	3	
7	Daniels, George ...	22	11	Albion do.	Yeoman ..	6	
8	Parley, Peter .....	16	2	Albion do.	Esquire ..	6	
9	Small, William ..	7	8	Brock do.	Tailor ....	7	
10	Worth, David .....	11	7	Albion do.	Merchant ..	5	
11	Yarrolld, George ..	14		Albion do.	Baker .....	288	
12	Zingler, Fred .....	15	4	Brock do.	Clerk .....	9	



10.—*Roll of Petit Jurors :*

To serve in Her Majesty's Inferior Courts (2) of Criminal and Civil Jurisdiction (3),

No. on Roll.	NAMES.	No. of lot, or house, as in report of selectors.	Concession or street or unincorporated village or hamlet, as in report of selectors.	City, township, village, or ward.	Additions.	No. on line.	REMARKS.
1	Adams, Simon....	21	7	Albion township ..	Esquire ..	2	} Exempt; having served on P. J. List, S. C. 18.
2	Addis, Wm .....	25	3	Markham do.	Yeoman ..	..	
3	Alford, Peter .....	16	3	Albion do. ..	Esquire ..	..	
4	Ashton, Thos .....	19	5	Albion do. ..	Yeoman ..	3	
5	Aylwin, Wm .....	5	5	Brock do. ..	Gentleman.	1	
6	Brooks, David.....	11	7	Albion do. ..	Merchant ..	5	
7	Burley, John .....	9	2	Albion do. ..	Shoemaker.	4	
8	Catty, Peter .....	4	Queen street..	St. Andrews' ward	Yeoman ..	..	
				Toronto City.			
9	Curran, John ....	186	Parliament st.	St. David's ward..	Gentleman.	..	
				Toronto City.			
10	David, George.....	22	11	Albion township ..	Yeoman ..	6	
11	Gule, George .....	7	8	Albion do. ..	Tailor ....	7	
12	Yold, George .....	14	9	Albion do. ..	Baker ....	288	
13	Yule, Patrick .....	13	4	Brock do. ..	Mason ....	19	

BILL.

An Act to amend the Jurors' Act.

First Reading, 31st January, 1878.

Mr. MONK,

TORONTO:

PRINTED BY HUNTER ROSE & Co.

No. 81.]

## BILL.

[1878.

An Act to amend "The Division Courts Act."

HER Majesty, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. Sub-section number two of section fifty-five of chap- R. S. c. 47, s.  
5 ter forty-seven of the Revised Statutes of Ontario be amended 54, amended.  
by adding thereto the words following:
2. And in any action for the recovery of a debt or money de- Jurisdiction  
mand, where the amount claimed does not exceed three hun- where debt is  
dred dollars, in which the amount of the demand is ascertained ascertained by  
signature of  
10 by the signature of the defendant. defendant.



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Third Session, Third Parliament, 41 Vic. 1878.

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BILL.

An Act to amend "The Division Courts  
Act."

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First Reading, 1st February, 1878.

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Hon. Mr. CURRIE.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO.

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No. 82.]

## BILL.

[1878.

### An Act to amend the Municipal Act.

HER Majesty, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. The responsibility and control of county councils in  
5 respect to bridges over streams or rivers, referred to in sections  
four hundred and ninety-two, four hundred and ninety-four,  
four hundred and ninety-five, four hundred and ninety-seven,  
and four hundred and ninety-eight of the Municipal Act, shall  
extend to the approaches of said bridges for one hundred feet  
10 at each end thereof; said one hundred feet to measure from  
the last bent, pier, or butment forming the permanent struc-  
ture of such bridges.

Powers of  
county coun-  
cils over  
bridges ex-  
tended.

Third Session, Third Parliament, 41 Vic., 1878.

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BILL.

An Act to amend the Municipal Act

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First Reading, 1st February, 1878.

---

Mr. HAY.

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TORONTO :

PRINTED BY HUNTER, ROSE & CO.



An Act to amend the "Public Schools Act," and to provide for the Election of Public School Trustees in Cities, Towns, and Villages.

**W**HEREAS it is expedient to amend the "Public Schools Act" so far as it relates to the election of Public School Trustees in cities, towns, and villages, and in townships where a Public School Board has been established:—

Preamble.

5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. In cities, towns, and villages, and in townships where by law a public school board is established, the nominations and elections of public school trustees, shall be held at the same time and place, and by the same returning officer, and conducted in the same manner—voting being by ballot—as nominations and elections of councillors; and the qualifications of voters for public schools trustees, shall be the same as for councillors.

Nominations and elections same as for councillors.

2. A separate set of ballot-papers shall be prepared for all the wards or electoral divisions, containing the names of the candidates nominated for school trustees, of the same form as those used for councillors, except the substitution of the words "school trustee" for councillors on said ballot papers.

Ballot papers.

3. Elections of school trustees to fill vacancies, caused by death, removal, resignation, or disqualification, shall be conducted in the same manner as elections of councillors to fill vacancies caused in the same manner.

Vacancies, how filled.

4. Sections twenty-two, twenty-four, of the "Public Schools Act" are amended by substituting the "first Monday in January" for the second Wednesday in January as the day upon which the trustees referred to in said sections shall retire.

Sections 22, 24 of Public School Acts amended.

5. In the list of qualified voters required to be delivered to the returning officer by the clerk of the municipality before the opening of the poll, the clerk shall place opposite the names of any voters on said list who have been returned to him as supporters of separate schools, the letters S. S. S. (signifying supporters of separate schools), and the returning officers shall not deliver to any such, a ballot paper for school trustees.

Supporters of separate schools not to vote.

Qualifications  
of Trustees.

6. Public school trustees in cities, towns, and villages shall be required to have the same property qualification as is provided by section seventy of the Municipal Act for aldermen and councillors in the respective municipalities.

In cities for  
"councillors"  
read "alder-  
men."

7. The term "councillors" in sections one, two, and three, of this Act, shall in regard to elections of public school trustees in cities be read "aldermen." 5

Repeal of  
Acts.

8. All Acts and parts of Acts inconsistent with the provisions of this Act, so far as they shall affect this Act, but not to any greater extent, are hereby repealed. 10

Third Session, Third Parliament, 41 Vic. 1878.

# BILL.

An Act to amend the "Public Schools Act," and to provide for the Election of Public School Trustees, in Cities, Towns, and Villages.

First Reading, 1st February, 1878

Mr. ROSS.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

No. 84.]

## BILL

[1878.

### An Act in respect to Public School Inspectors.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. No person accepting or holding the office of city, town, or  
5 county Inspector of Public Schools, shall be eligible as a mem-  
ber of the Legislative Assembly of the Province of Ontario, or  
as member of the House of Commons of the Dominion of Canada,  
or shall sit and vote either in the Legislative Assembly of said  
Province, or the Dominion House of Commons, during the time  
10 he holds such office, and no person while holding such office  
aforesaid, shall actively interfere in any election contest within  
said Province, either for the Legislative Assembly or the Do-  
minion House of Commons.

Inspectors of  
public Schools  
ineligible as  
members of the  
Legislative  
Assembly or  
House of  
Commons.



BILL.

An Act in respect to Public School Inspectors.

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First Reading, 1st February, 1878.

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Mr. HAY.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co

No. 85.]

## BILL.

[1878.

An Act to amend the Law respecting Mutual Insurance Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section twenty-five of the Act respecting Mutual Insurance Companies, being chapter one hundred and sixty-one of the Revised Statutes of Ontario, is hereby amended by adding thereto, after sub-section two thereof, the following sub-section, which shall be read as sub-section three of said section twenty-five. R. S. c. 161 s. 25 amended.

3. The Board of Directors may from time to time make by-laws for increasing or diminishing the number of directors, but not so as to exceed fifteen or be less than five, or for extending, but not beyond the third annual meeting from the time of election, or reducing the term for which the Directors shall thereafter be elected to hold office, or for providing for the annual retirement of a portion of the Board, and the selection of those so to retire, and every such by-law, shall when, but not unless nor until confirmed at a general meeting of the members of the company, be of force and effect. Increasing or diminishing the number of Directors.

2. Section twenty of the said Act is hereby amended by inserting therein between the word "term" and the next following word "by" in the eighth line thereof, the words "for which the director whose office is so vacant was elected." R. S. c. 161 s. 20 amended.

No. 86.

Third Session, Third Parliament, 41 Vic., 1878.

BILL,

An Act to amend the Law respecting Mutual Insurance Companies.

First Reading, 1st February, 1878.

Mr. MEREDITH.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.



## An Act to amend the law respecting Building Societies.

WHEREAS, doubts exist as to whether a Society formed or incorporated under the provisions of chapter one hundred and sixty-four of the Revised Statutes of Ontario, intituled, "An Act Respecting Building Societies," has power under the authority of the said Act to sell or dispose of mortgages given or made directly to the Society, and it is expedient to remove such doubts;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. A Society formed or incorporated under the provisions of the said recited Act, has heretofore had, and shall hereafter have, power and authority to sell or dispose of mortgages given or made directly to it, in like manner as such Society may, under the provisions of the said Act, sell mortgages purchased by it, and the assignee of any such mortgage shall stand in the place of, and be entitled to, and have all the same rights, powers and remedies to, under, upon, or in respect to such mortgage as the Society would have been entitled to have had if the assignment thereof had not been made.

Preamble.

Power to sell mortgages made to Building Societies.

Rights of Assignee.

BILL.

An Act to amend the law respecting Building Societies.

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First Reading, 1st February, 1878.

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MR. MEREDITH.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the law respecting Building Societies.

**W**HEREAS, doubts exist as to whether a Society formed Preamble.  
or incorporated under the provisions of chapter one

hundred and sixty-four of the Revised Statutes of Ontario,  
intituled, "An Act Respecting Building Societies," or under  
5 any former Act respecting Building Societies, has power under  
the authority of any of the said Act to sell or dispose of mort-  
gages given or made directly to the Society, and it is ex-  
pedient to remove such doubts and to grant additional powers  
to such societies ;

10 Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :

1. A Society formed or incorporated under the provisions of Power to sell  
the said recited Act, or under any former Act respecting Building mortgages  
15 Societies, has heretofore had, (and any such society and every made to Build-  
society hereafter formed or incorporated under the said recited ing Societies.  
Act, shall hereafter have,) power and authority to sell or dis-  
pose of mortgages given or made directly to it, in like manner Rights of  
as such Society may, under the provisions of the said Act, sell Assignee.  
20 and assign mortgages purchased by it, and the assignee of any  
such mortgage shall stand in the place of, and be entitled to,  
and have all the same rights, powers and remedies, and shall be  
subject to the same obligations and liabilities, under, upon, or in  
respect to such mortgage as the Society would have been en-  
25 titled to have had or been subject to if the assignment  
thereof had not been made.

2. The members of any such society entitled to vote may, at Subscribed  
any time, by resolution to be passed at any special or general shares to be  
meeting (for which meeting notice of such intended resolution fixed capital.  
30 shall be duly given) determine that all shares thereafter sub-  
scribed for in such Society shall be fixed and permanent capital  
and not liable to be withdrawn therefrom, and any share there-  
after subscribed for in such Society shall be fixed and perma-  
nent capital and not withdrawable therefrom, such shares shall  
35 be transferable in such manner as the By-Laws of the Society Transfer of  
may direct, but no such share shall be transferred, while any shares.  
call thereon is in arrear or until the same has been forfeited for  
non-payment of calls.

3. The Directors of any such Society may fix the amount to Directors may  
40 be paid on the subscription of any such shares, and the pre- fix the amount  
mium (if any) which shall be paid thereon, and when such of subscription  
premium shall be payable, and it shall be in the discretion of for shares.



Calls. the Directors from time to time to call up the balance of any such shares at such time or times as they shall think best; and any such Society may from time to time pay interest or dividend by way of annual or other periodical profits upon the amounts paid on such shares, and in all other respects, such shares shall be subject to the general provisions contained in the said Act. 5

R. S. 164, s. 67, amended.

4. Section sixty-seven of the said Act is amended by striking out the word "six" in the fifth line thereof, and substituting therefor the word "twelve"; by inserting after the word "February" in the same line the words "or earlier than the end of the last preceeding financial year of such Society" and by adding to sub-section (g) of the said section the words "which rate or rates shall be at least equal to the rate or rates which such mortgages or other securities respectively bear or were originally calculated to yield. 10 15

BILL.

An Act to amend the law respecting Building Societies.

(Reprinted as Amended.)

First Reading, 1st January, 1878.

Second " 11th February, 1878.

Mr. MEREDITH.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

## An Act Respecting the Magistracy.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Every judge of the Supreme Court of Canada, of the Ex-  
 5 chequer Court of Canada, of the Court of Appeal, and of each  
 of the Superior Courts of Law and Equity, shall be, *ex-officio*,  
 a justice of the peace for every county and part of Ontario.

Judges of  
 Superior  
 Courts, &c., to  
 be justices of  
 the peace.

2. No action or suit shall be brought against any judge, stipen-  
 diary, or police magistrate, justice of the peace, or officer for any  
 10 act or thing by him done under the supposed authority of a statute  
 or statutory provision of the Province, or of the Dominion of  
 Canada, which statute or statutory provision was beyond the  
 legislative jurisdiction of the Legislature of the Province or of  
 the Parliament of Canada, as the case may be; provided such  
 15 action or suit would not lie against him if the said statute or  
 statutory provision had been within the legislative jurisdic-  
 tion of the Parliament or Legislature which assumed to enact  
 the same.

Protection to  
 those acting  
 under statutes  
*ultra vires*.

(2). Where, notwithstanding the provisions of the next preced-  
 20 ing section, an action or suit is sustainable against any judge,  
 stipendiary police or magistrate, justice of the peace, or officer,  
 for any act or thing by him done under the authority of a statute,  
 or statutory provision, as in the next preceding section mentioned,  
 such action shall only be sustainable subject to the like provisions  
 25 as such action would be subject to if such statute or statutory  
 provision were valid; and the like damages, and no more, shall  
 be recoverable in any such action as under the like circum-  
 stances could have been recovered if such statute or statutory  
 provision had been valid as aforesaid.

(3). The next preceding two sections shall apply to any act or  
 30 thing heretofore done, as well as to any act or thing hereafter  
 done, coming within the purview of such sections, and to any  
 action or suit which may be brought or may be now pending  
 in respect of such act or thing, and the plaintiff, in any such  
 35 pending action, or suit, may, by leave of the court or judge,  
 discontinue such action or suit without costs, or upon such terms  
 as to the said court or judge shall seem reasonable.

3. Justices of the peace shall be entitled to a fee of fifty  
 40 cents for hearing and determining a case, whether the same  
 do or not result in a conviction.

Fees to  
 justices.

The following item shall be added to schedule A of the  
 Revised Statute Respecting the Fees of Justices of the Peace:—

For hearing and determining the case. . . . . \$0 50

Oath.

4. The oath set forth in Schedule "A" to this Act may be taken by any Justice of the Peace, in lieu of the oath of office heretofore taken by Justices of the Peace, and the same may be taken before any other Justice of the Peace, or before any person appointed by the Lieutenant-Governor to administer oaths and declararations, or before the clerk of the peace of the county or district in which such justice is to act. 5

(2). The like oath of office shall be taken before any of the said persons or officers by every police magistrate hereafter appointed, before he takes uponhim to act as a police magistrate. 10

Lt.-Governor  
may appoint  
police magis-  
trates.

Powers.

Salary.

5. When the Lieutenant-Governor in Council is of opinion that the due administration of justice requires the temporary appointment of a police magistrate for a county or any part of a county, the Lieutenant-Governor in Council may appoint such police magistrate accordingly; and any magistrate so appointed shall hold office during the pleasure of the Lieutenant-Governor, and shall have and exercise within the county, or territory for which he is appointed, all the powers, authorities, rights, privileges, and jurisdiction, so far as the same are within the authority of the Legislature of Ontario, by law appertaining to police magistrates appointed for cities, and shall be entitled to take the same fees as other justices of the peace; the appointee shall hold office during pleasure; and without salary; but the said provision as to salary shall not apply to any case in which the Legislature, or the county council, or other municipal council, shall see fit to appropriate or pay a salary to such police magistrate. 25

(2). Every such police magistrate shall, *ex-officio*, be a justice of the peace for the whole county for which or for part of which he has been appointed, but it shall not be his duty, unless he finds it convenient so to do, to entertain any complaint with reference to an offence committed outside of the limits of the territory for which he is police magistrate. 30

Proceedings  
had before P.  
Magistrate not  
to be interfered  
with by an-  
other J. P.  
Rev. St. ch.  
72., s. 6.

(3). No other justice of the peace shall admit to bail or discharge a prisoner, or adjudicate upon or otherwise act until after judgment in any case, where the initiatory proceedings was taken by or before such police magistrate, except at the general sessions of the peace, or in the case of the illness, or absence, or at the request, of the police magistrate; and no such police magistrate shall have authority to act in any case for any city, town, or village which has a police magistrate, of its own, except at the general sessions of the peace, or in the case of the illness, absence, or at the request of such last mentioned police magistrate; but nothing herein contained shall be construed to prevent a police magistrate appointed under this Act from acting within any such city, town or village, in respect of any case arising outside of such city, town or village. 45

Magistrate  
may sit alone  
with power of  
two justices  
Rev. St. ch.  
72, s. 7.

(4). Any such police magistrate shall have power to do alone whatever is authorized by any statute in force in this Province, relating to matters within the legislative authority of the Legislature of the Province, to be done by two or more justices of the peace; and such police magistrate shall have such power while acting anywhere within the county for which he is *ex-officio* a justice of the peace. 50

P. Magis-  
trate's powers  
as to offences  
against by-  
laws and as to

(5). Any such police magistrate shall have jurisdiction in addition to his other powers, to try and determine all prosecutions for offences against the by-laws of the county within which he is to act, and of any municipality within the county; and for 55



penalties for refusing to accept office ; or to make the necessary declarations of qualification and office.

refusing office.  
Rev. St. ch.  
72 s. 8.

(6). It shall not be necessary for any police magistrate appointed under this Act to possess any property qualification, or to be actually resident within the county, or part of a county for which he is appointed.

Qualification  
and oaths dispensed with.

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#### SCHEDULE A.

I, A. B., of the \_\_\_\_\_, in the County of \_\_\_\_\_, do swear that I will well and truly serve our Sovereign Lady Queen Victoria in the office of Justice of the Peace, (*or* police magistrate, *as the case may be*) and I will do right to all manner of people, after the laws and usages of this Province, without fear or favour, affection or ill-will. So help me God.

BILL.

An Act respecting the Magistracy.

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First Reading, 5th February, 1878.

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Hon. Atty.-Genl. MOWAT.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO

## An Act Respecting the Magistracy.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Every judge of the Supreme Court of Canada, of the Ex-  
 5 chequer Court of Canada, of the Court of Appeal, and of each  
 of the Superior Courts of Law and Equity, shall be, *ex-officio*,  
 a justice of the peace for every county and part of Ontario.

Judges of  
 Superior  
 Courts, &c., to  
 be justices of  
 the peace.

2. No action or suit shall be brought against any judge, stipen-  
 diary, or police magistrate, justice of the peace, or officer for any  
 10 act or thing by him done under the supposed authority of a statute  
 or statutory provision of the Province, or of the Dominion of  
 Canada, which statute or statutory provision was beyond the  
 legislative jurisdiction of the Legislature of the Province or of  
 the Parliament of Canada, as the case may be ; provided such  
 15 action or suit would not lie against him if the said statute or  
 statutory provision had been within the legislative jurisdic-  
 tion of the Parliament or Legislature which assumed to enact  
 the same.

Protection to  
 those acting  
 under statutes  
*ultra vires*.

(2). Where, notwithstanding the above provision an action or  
 20 suit is sustainable against any judge, stipendiary or police  
 magistrate, justice of the peace, or officer, for any act or thing by  
 him done under the authority of a statute, or statutory provision,  
 as in the above provision, such action shall only be sustainable  
 subject to the like provisions as such action would be subject to  
 25 if such statute or statutory provision were valid ; and the like  
 damages, and no more, shall be recoverable in any such action  
 as under the like circumstances could have been recovered if  
 such statute or statutory provision had been valid as aforesaid.

(3). This section shall apply to any act or thing heretofore  
 done, as well as to any act or thing hereafter done, coming  
 30 within the purview of such sections, and to any action or suit  
 which may be brought or may be now pending in respect of  
 such act or thing, and the plaintiff, in any such pending action,  
 or suit, may, by leave of the court or judge, discontinue such  
 action or suit with or without costs, or upon such terms as to  
 35 the said court or judge shall seem reasonable.

3. No defect in form in any information or warrant taken  
 before or signed by a Justice of the Peace shall prevent such  
 Justice from claiming the benefit and protection of the Re-  
 vised Statutes, chapter seventy-three, if the Court before which,  
 40 or Judge before whom, the action is tried shall be of opinion

Defects in  
 form of in-  
 formations or  
 warrants not  
 to prevent  
 Justices from  
 claiming the  
 protection of  
 R. S. c. 73.



that the Justice acted in good faith, and that the informant or complainant intended, by the facts stated to such justice, to charge the commission of an offence which, if the same had been set forth in proper form in the said information or warrant, would be one within the jurisdiction of such Justice, and in any such case the informant or complainant shall be liable to prosecution as if the information had charged in proper form the commission of the offence so intended to be charged.

Conditions on quashing summary convictions as to actions of trespass against Justices of the Peace.

4. Where application is made to a Superior Court or Judge thereof, to quash a summary conviction in any case within the jurisdiction of this Legislature, such Court or Judge may, as a condition of quashing the same, if such Court or Judge shall think fit so to do, provide that no action of trespass shall be brought against the Justice of the Peace who made the said conviction.

Actions of trespass when information does not contain a proper description of the offence.

5. No person who has in good faith as aforesaid intended to charge another person, who shall hereafter be arrested by the direction of the said person so charging the said offence, under any warrant signed by any Justice of the Peace, with the commission of any offence, shall be liable to be sued in trespass, in consequence only of the information sworn before a Justice of the Peace, or the warrant signed by him not containing a proper description of such offence.

Fees to justices.

6. Justices of the Peace shall be entitled to a fee of fifty cents for hearing and determining a case, although the same does not result in a conviction; and the following item shall be added to Schedule A, of the Revised Statutes, chapter seventy-seven, respecting the Fees of Justices of the Peace:—

For hearing and determining the case \$0.50.

Provision in case of absence of Police Magistrate.

7. In case of the absence, or illness, or at the request of a Police Magistrate, any two or more Justices of the Peace may act in his place in any matter within the jurisdiction of such Police Magistrate and the said Justices of the Peace, or a majority of them shall in such case have all the powers which by any statute are given to such Police Magistrate; but this section shall not be construed to prevent one Justice of the Peace from acting for the Police Magistrate, whenever by law one Justice of the Peace would heretofore have jurisdiction in that behalf.

Oath.

8. The oath set forth in Schedule "A" to this Act may be taken by any Justice of the Peace, in lieu of the oath of office heretofore taken by Justices of the Peace, and the same may be taken before any other Justice of the Peace, or before any person appointed by the Lieutenant-Governor to administer oaths and declarations, or before the clerk of the peace of the county or district in which such justice is to act.

(2). The like oath of office shall be taken before one of the said persons or officers by every police magistrate hereafter appointed, before he takes upon him to act as a police magistrate.

(3) Every oath of qualification taken by a Justice of the Peace, and every oath of office or allegiance taken by a Police Magistrate or Justice of the Peace, shall, forthwith after the

same is taken be transmitted or delivered by such Police Magistrate or Justice of the Peace to the Clerk of the Peace of the County or District within which such Police Magistrate or Justice of the Peace is to act, and shall be filed in the office of the Clerk of the Peace. In the case of Justices of the Peace for the Temporary Judicial District of Nipissing, such oath shall be filed with the Clerk of the Peace for the County of Renfrew.

9. When the Lieutenant-Governor in Council is of opinion that the due administration of justice requires the temporary appointment of a police magistrate for a county or any part of a county, the Lieutenant-Governor in Council may appoint such police magistrate accordingly; and any magistrate so appointed shall hold office during the pleasure of the Lieutenant-Governor, and shall have and exercise within the county, or territory for which he is appointed, all the powers, authorities, rights, privileges, and jurisdiction, so far as the same are within the authority of the Legislature of Ontario, by law appertaining to police magistrates appointed for cities, and shall be entitled to take the same fees as other justices of the peace; the appointee shall hold office without salary; but the said provision as to salary shall not apply to any case in which the Legislature, or the county council, or other municipal council, shall see fit to appropriate or pay a salary to such police magistrate.
- (2). Every such police magistrate shall, *ex-officio*, be a justice of the peace for the whole county for which or for part of which he has been appointed, but it shall not be his duty, unless he finds it convenient so to do, to entertain any complaint with reference to an offence committed outside of the limits of the territory for which he is police magistrate.
- (3). No other justice of the peace shall admit to bail or discharge a prisoner, or adjudicate upon or otherwise act until after judgment in any case prosecuted under the authority of any statute of Ontario where the initiatory proceedings was taken by or before such police magistrate, except at the general sessions of the peace, or in the case of the illness, or absence, or at the request, of the police magistrate; and no such police magistrate shall have authority to act in any case for any city, town, or village which has a police magistrate, of its own, except at the general sessions of the peace, or in the case of the illness, absence, or at the request of such last mentioned police magistrate; but nothing herein contained shall be construed to prevent a police magistrate appointed under this Act from acting within any such city, town or village, in respect of any case arising outside of such city, town or village.
- (4). Any such police magistrate shall have power to do alone whatever is authorized by any statute in force in this Province, relating to matters within the legislative authority of the Legislature of the Province, to be done by two or more justices of the peace; and such police magistrate shall have such power while acting anywhere within the county for which he is *ex-officio* a justice of the peace.
- (5). Any such police magistrate shall have jurisdiction in addition to his other powers, to try and determine all prosecutions for offences against the by-laws of the county within which he is to act, and of any municipality within the county; and for penalties for refusing to accept office; or to make the necessary declarations of qualification and office.

Lt.-Governor may appoint police magistrates.

Powers.

Salary.

Proceedings had before P. Magistrate not to be interfered with by another J. P. Rev. St. ch. 72., s. 6.

Magistrate may sit alone with power of two justices Rev. St. ch. 72., s. 7.

P. Magistrate's powers as to offences against by-laws and as to refusing office. Rev. St. ch. 72 s. 8.

(6). Nothing in this Act contained shall be construed to interfere with the jurisdiction of other Justices of the Peace in cases in which the initiatory proceedings are not taken by the Police Magistrate; nor shall anything in this Act contained be construed to prevent other Justices of the Peace from acting 5 with the Police Magistrate, at the request of the Police Magistrate.

Qualification  
of Police  
Magistrates.

(7). It shall not be necessary for any police magistrate appointed under this Act to possess any property qualification, or to be actually resident within the county, for which, or for 10 part of which, he is appointed.

### SCHEDULE A.

I, A. B., of the \_\_\_\_\_, in the County of \_\_\_\_\_, do swear that I will well and truly serve our Sovereign Lady Queen Victoria in the office of Justice of the Peace, (or police magistrate, *as the case may be*) and I will do right to all manner of people, after the laws and usages of this Province, without fear or favour, affection or ill-will. So help me God.

No. 87.

Third Session, Third Parliament, 41 Vic., 1878.

BILL,

An Act respecting the Magistracy.

(Reprinted as amended.)

First Reading, 5th February, 1878.

Second " 12th " 1878.

Hon. Atty.-Genl. MOWAT.

TORONTO:

PRINTED BY HURTER, ROSE & Co.

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No. 88.]

BILL.

[1878

An Act to amend The Municipal Act so far as  
relates to the appointment of County Valuators.

WHEREAS it is expedient to abolish the power of County  
Councils to appoint Valuators :

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
5 as follows :

1. Section two hundred and sixty-four of the Municipal Act is hereby repealed.

R.S. c. 174  
s. 264 re-  
pealed.



BILL.

An Act to amend The Municipal Act so far as relates to the appointment of County Valuers.

---

First Reading, 6th February, 1878.

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Mr. CALVIN.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co

No. 88.]

## BILL.

[1878.

### An Act to amend the Assessment Act.

**W**HEREAS doubts exist as to the right of appeal from the equalization of assessments under the provisions of the Assessment Act, where County Valuers have been appointed, and it is expedient to remove such doubts;

5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The right of appeal provided for by section sixty-eight of the Revised Statutes, respecting "The Assessment Act," shall  
10 exist whether County Valuers have been appointed or not, and upon any such appeal the report of the County Valuers shall be open to review by the County Judge.

Appeal in cases of equalization of assessment.

BILL,

An Act to amend the Assessment Act.

*(Reprinted as amended.)*

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First Reading, 6th February, 1878.

Second " 15th " 1878.

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MR. CALVIN.

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TORONTO:

PRINTED BY HURTER, ROSE & Co.

An Act respecting the registration of Railway Aid Scrip.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The original holder of any scrip or certificate issued under sections ten and eleven, or the fifth sub-section of section twenty-two of chapter one hundred and sixty-six of the Revised Statutes of Ontario, intituled An Act respecting Aid to Railways, or any subsequent transferee of such scrip or certificate, may procure his name to be entered and registered in a book to be kept for that purpose in the office of the Treasurer of the Province of Ontario; and the last registered holder whose name appears upon such book of registration shall be *prima facie* deemed and taken to be the legal owner and possessor of such scrip or certificate. Registry of Scrip.
2. The Provincial Treasurer, or his deputy, may, upon the request of the holder of any such scrip or certificate, who has procured his name to be entered and registered in such book of registration as the owner of such scrip or certificate, cause to be endorsed upon the scrip or certificate referred to in the said registration a certificate that such person is registered in the office of the Provincial Treasurer as the owner of such scrip or certificate, specifying the date of such registration and the folio wherein the same appears of record. Endorsement on scrip.
3. No such scrip or certificate, after a certificate of ownership signed by the Provincial Treasurer or his deputy has been endorsed thereon, shall be transferable, except by entry and registration of the name of the transferee in the book required to be kept under the first section of this Act, and the endorsement upon the said scrip or certificate, such entry and memorandum of registration, to be signed by the Provincial Treasurer or his deputy. How scrip to be transferred.
4. No such entry and registration of any transfer of scrip or certificates shall be made in the said book of registry, except upon the written authority of the person last entered in such book as the owner of such scrip or certificate, or of his executors or administrators, or of his or their lawful attorney, which authority shall be duly filed in the office of the Provincial Treasurer. Registry and entry not to be made except on authority of last registered owner.



BILL.

An Act respecting the registration of Railway Aid Scrip.

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First Reading, 6th February, 1878.

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Hon. Mr. Wood.

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TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act to amend Chapter one hundred and seventy-four of the Revised Statutes of Ontario respecting Municipal Institutions.

WHEREAS it is expedient to provide that in by-laws for the creation of debts and the issue of debentures therefor, it shall be sufficient to specify the annual sum that will be required to be raised for the payment of the principal and interest of the debt;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section three of section three hundred and thirty of the said Act be and the same is hereby repealed and the following substituted therefor: R. S. c. 174, s. 330, sub-sec. 3, repealed.

“3. The by-law shall settle a certain specific sum to be raised annually during the currency of the debentures.”

2. Sub-section four of the said section be and the same is hereby repealed and the following substituted therefor: Sub-sec. 4, repealed.

“4. Such annual sum shall be sufficient to discharge the the debt and interest when respectively payable.”

3. Sub-section five of the said section be and the same is hereby repealed and the following substituted therefor: Sub-sec. 5, repealed.

“5. The by-law shall provide that such annual sum shall be raised and levied in each year by a special rate sufficient therefor on all the ratable property in the municipality, or, if the by-law is for a work payable by local assessment, on all the property ratable under the by-law or per foot frontage, as the case may be.”

4. Section (e) of sub-section six of the said section be and the same is hereby repealed. Sub-sec. 6 (e) repealed.

5. Sub-section (d) of section three hundred and thirty-one be and the same is hereby repealed. Sec. 331, sub-sec. (d) repealed.

6. Sub-section two of section three hundred and thirty-two of the said Act be and the same is hereby repealed and the following substituted therefor: Sec. 332, sub-sec. 2 repealed.

“2. Such by-law shall set forth a certain specific sum to be raised in each year during the currency of the debt, which annual sum shall be sufficient to discharge the several instalments of principal and interest accruing due on such debt as the said instalments and interest become respectively payable according to the terms of the by-law, and in cases within this section it shall not be necessary that any provision be made for a sinking fund.

BILL.

An Act to amend Chapter one hundred and seventy-four of the Revised Statutes of Ontario respecting Municipal Institutions.

First Reading, 5th February, 1878

Mr. SCOTT.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act to amend chapter thirty of the Revised  
Statutes of Ontario, respecting Public Works.

WHEREAS, it is expedient to make provision as to the Preamble.  
letting of contracts for the construction and repair of  
Public Works.

Therefore Her Majesty, by and with the advice and consent of  
5 the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. Section twenty-five of the Revised Statutes of Ontario, Rev. Stat. 30,  
chaptered thirty, is hereby amended by adding thereto the s. 25 amended.  
following: "Provided however that where any tender other  
10 than the lowest tender shall be accepted, for the construction  
or repair of any Public Work, it shall be the duty of the Com-  
missioner of Public Works to lay on the table of the Legislative  
Assembly, within fourteen days thereafter, if the House be then  
in Session, or if not then within fourteen days after the com-  
15 mencement of the next ensuing Session, a statement of the fact,  
and of the reasons for the selection of such higher tender.

Reasons for  
not accepting  
lowest tender  
to be laid  
before the  
House.



Third Session, Third Parliament, 41 Vic. 1878.

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BILL.

An Act to amend chapter thirty of the  
Revised Statutes, respecting Public Works.

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First Reading, 6th February, 1878.

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MR. SCOTT.

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TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the Act respecting the Surrogate Courts.

**W**HEREAS many persons die without having executed discharges of satisfied mortgages, and titles to real estate thereby become clouded, and it is expedient to facilitate the obtaining of Letters of Administration for the purpose of enabling such mortgages to be discharged :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

- 10 **1.** Whenever a mortgage of real estate shall have been satisfied and the holder thereof afterwards shall have died without having executed a valid release of the same, the Surrogate Court of the County or Union of Counties in which the lands mentioned in the said mortgage are situate, may grant Letters  
15 of Administration for the special purpose of enabling the person to whom the same are granted to execute a discharge of the said mortgage, whether the holder of the said mortgage died within or out of the Province of Ontario, and whether possessed or not possessed of any personal estate ; and the special purpose  
20 for which the said Letters of Administration are granted shall be stated in them.
- 2.** No security shall be required from the person to whom the said Letters of Administration are granted.
- 3.** In case the holder of the said mortgage shall have died  
25 without having any fixed place of abode in the Province of Ontario it shall not be necessary to publish any notice of the application for the said Letters of Administration.
- 4.** The fees payable for or in respect of the granting of the said Letters of Administration shall be the same as the fees  
30 payable by section sixty-six of chapter forty-six of the Revised Statutes of Ontario.
- 5.** The proceedings to lead to the grant of the said Letters of Administration shall be styled " In the matter of \_\_\_\_\_  
A mortgagee, deceased."

Special Administration to estate of deceased satisfied mortgages to execute discharge.

Security from administrator dispensed with.

If mortgagee had no fixed abode in Ontario, publication in *Gazette* dispensed with.

Fees.

Style of proceedings.

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Third Session, Third Parliament, 41 Vic. 1878.

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BILL.

An Act to amend the Act respecting Surrogate Courts.

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First Reading, 6th February, 1878.

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Mr. Scott.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

## An Act to Amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Section number eighty of the Revised Statutes of Ontario, R. S. c. 180, 5 and chaptered one hundred and eighty of said Act be amended sec. 80, amend-  
by adding the following sub-section :

3. In townships where the owners of lands other than those Statute labour  
mentioned in sub-section two are not resident, and have not for non-resi-  
required their names to be entered on the assessment roll, the dents in town-  
10 statute labour shall be commuted by the township clerk, in ships.  
making out the list required under the nineteenth section of  
said Act on each lot under the value of two hundred dollars,  
to a rate not exceeding one per centum per annum on the  
valuation, but the council may direct a less rate to be imposed  
15 by a general by-law affecting such lots.

2. That section one hundred and two be repealed and the Sec. 102  
following substituted therefor : amended.

102. In case the collector fails or omits to collect the taxes Collection of  
or any portion thereof by the day appointed or to be appointed taxes when the  
20 as in the last preceding section mentioned, the council of collector fails  
the city, town, village or township, may, by resolution, autho- to do so.  
rise the collector, or some other person in his stead, to continue  
the levy, and collection of such of the unpaid taxes, as have  
not been returned by him, as " non-resident, or on which there  
25 are," not sufficient property to distrain, as the case may be, in  
the manner and with the powers provided by law for the gene-  
ral levy and collection of taxes.

3. That section one hundred and forty be amended by ad- Sec. 140  
ding the words " at his request," after the word purchaser, in amended.  
30 the second line of said section, and also by adding to said sec-  
tion the words " which said certificate may be in form or to  
the effect of schedule L to this Act, and for which the treasurer  
shall be entitled to a fee of cents.

4. That section one hundred and forty-three be repealed, and Sec. 143  
35 the following substituted therefor. amended.

143. Every treasurer shall be entitled to such fees as the Treasurers'  
county council may by by-law authorise, and until action is fees.  
taken thereon by said councils he shall be entitled to a fee of  
cents on each separate lot by him so advertised, or ad-  
40 vertised and sold, together with two and one half per centum  
commission upon the same collected by him as aforesaid.



Sec. 148  
amended.

5. That section one hundred and forty-eight be amended, by striking all words after the word lots, in the seventh line, and inserting in lieu thereof, the words, "in the same municipality may be included at the request of the purchaser or any assignee of the purchaser, but for every additional lot to the first so included as aforesaid, the treasurer shall be entitled to a further sum of                      cents." 5

Assignment of  
rights of pur-  
chasers at tax  
sales.

2. That an assignment of rights of purchasers made before the execution of the said deed as aforesaid shall be in the form or to the effect of schedule M. to this Act, and shall be deposited with the treasurer, duly authenticated for registration according to Registry Act, together with the sum of                      and it shall be the duty of the treasurer, should the said lands be not redeemed within the time appointed for the same, to have the said assignment registered in the Registry Office for the city or county, and for such registration he shall pay to the registrar the sum of                      cents, which shall be the amount the said registrar will be entitled to for such registration, but should the said lands be redeemed, the treasurer shall refund to the said assignee or his legal representative, the said registration fee; and he shall also keep a record book in which shall be set forth the name of the purchaser and assignee, the dates of the name and assignment, the land sold, and the disposal of the said deposit. 10 15 20

#### SCHEDULE L.

I, A. B., Treasurer of the (*county, city, or town, as the case may be*) do hereby certify that C. D. of                      hath 25  
purchased at a sale of lands for taxes held at  
in the                      , on the                      day of                      ,  
A.D. 187                      , all that certain parcel of land situate in the  
                    , containing by admeasurement                      and may  
be better known as                      30

That the said land was sold for the sum of                      of  
which the sum of                      is to be applied for the expenses  
of said sale, and the residue is to be applied on the arrears of  
taxes on the whole said lot offered for sale. 35

And that a deed conveying (the fee simple or right of the  
locatee, *as the case may be*) shall be given to the said purchaser  
or his assignee, provided the said land has not been redeemed  
within one                      from the date of sale, exclusive of the day of  
said sale. 40

Dated at                      , this                      , A.D. 187 .  
                    A. B.,  
                    Treasurer of                      .

#### SCHEDULE M.

Know all men by these presents, that I, (or we, *as the case may be*) A. B. of                      , in consideration of the sum  
of                      to                      in hand paid before the execution  
hereof, do hereby assign and set over all the right, title, and 45

interest in, to, or out of that certain parcel of land situate in  
 and may be better known as  
 containing by admeasurement

Which said right, title, and interest have been acquired by (me,  
 5 or *state the manner of acquisiton*) at a certain sale of lands for  
 taxes held at , in the , on the  
 day of , A.D. 187 .

In witness hereof have hereunto set hand and seal,  
 the day of , A.D. 187 .  
 10 Signed and sealed } [L.S.  
 in presence of }

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Third Session, Third Parliament, 41 Vic. 1878.

BILL.

An Act to amend the Assessment Act.

First Reading, 7th February, 1878.

Mr. WILLS.

TORONTO :

PRINTED BY HUNTER, ROSE & CO

An Act to amend the Revised Statute respecting  
Ditching Water Courses.

HER MAJESTY, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. The following shall be added to and shall form subsection R. S. c. 199 .  
5 five to section four of the Revised Statute respecting ditching <sup>4</sup> amended.  
water courses.

5. Where the adjoining lands are situate in different municipalities, the said fence viewers shall be selected as follows: Selection of  
two from the fence viewers of the municipality in which the fence viewers  
lands of the other owner or occupant so notified and situate, where land ad-  
10 and the third from the fence viewers of the municipality in joins different  
which the land of the party giving the notice and situate. In municipalities.  
case of a disagreement as provided in subsection four of this  
section, the county judge may appoint the fence viewers indif-  
15 ferently from either or both municipalities.

2. The judge referred to in subsection four of section four, and Interpretation  
in section twelve the subsections thereof, and the clerk of the of terms.  
municipality referred to in section eight, and the registry office  
referred to in section nine, and the clerk of the division court  
20 referred to in subsection two of section twelve, shall be respectively the judges of the county court of the county, and the registry office of the county, and the clerk of the division court  
of the division, and the clerk of the municipality wherein the  
lands of the owner to be notified lie.



Third Session, Third Parliament, 41 Vic. 1878.

BILL.

An Act to amend the Revised Statute respecting Ditching Water Courses.

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First Reading, 7th February, 1878.

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Mr. BISHOP.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the Revised Statute respecting  
Ditching Water Courses.

HER MAJESTY, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. The following shall be added to and shall form subsection  
5 five to section four of the Revised Statute respecting ditching <sup>R. S. c. 199 s.</sup>  
water courses. <sup>4 amended.</sup>

5. Where the lands are situate in different municipalities, the  
said fence viewers shall be selected as follows: two from the  
fence viewers of the municipality in which the land of the  
other owner or occupant so notified is situate, and the third  
10 from the fence viewers of the municipality in which the land  
of the party giving the notice is situate. In case of a disagreement  
as provided in subsection four of this section, the county  
judge may appoint the fence viewers indifferently from either  
15 or both municipalities.

2. The judge referred to in subsection four of section four, and  
in section twelve of *the said Revised Statutes*, and the clerk of  
the municipality referred to in section eight, and the clerk of  
the division court referred to in subsection two of section twelve,  
20 shall be respectively the judge of the county court of the county,  
the clerk of the division court of the division, and the clerk of  
the municipality wherein the land of the owner to be notified  
lies

3. Section three of the said Act is hereby amended by <sup>R. S. c. 199 s.</sup>  
25 adding after the word "adjoining" in the first line, the words <sup>3 amended.</sup>  
"or adjacent."

BILL.

An Act to amend the Revised Statutes respecting Ditching Water Courses.

*(Reprinted as Amended.)*

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First Reading,	7th February,	1878.
Second "	15th "	1878.

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Mr. BISHOP.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to give finality to Voters' Lists and for other purposes.

HER Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

1. This Act may be cited as "The Voters' Lists Finality Act." Short title.

2. In this Act, unless there is something in the context re- Interpretation  
5 pignant to such a construction :

1. The word "Election," the words "To Vote," the words "Corrupt Practices," and the words "Farmers' Son," shall respectively have the meaning given thereto by section two of "The Election Act of Ontario ;"

10 2. The word "Voter" shall mean a person entitled to vote, or to be named in the voters' list ;

3. The word "List," and the words "Voters' List," shall respectively mean the alphabetical list referred to in section two of "The Voters' Lists Act," or in section four of the Act passed  
15 in the fortieth year of Her Majesty's reign, and chaptered twelve, as the case may be ;

4. The word "scrutiny" shall mean any scrutiny of the votes polled at an election within the meaning of sections seventy-two and the nine next succeeding sections of "The  
20 Controverted Elections Act of Ontario ;" and

5. The words "Clerk of the Peace," shall mean the Clerk of the Peace for, and the words "County Judge," shall mean the Judge of the County Court for the County or Union of Counties within which lies the municipality for or in respect of which  
25 the voters' list is made.

3. Every voters' list which under this Act, or under sections eleven or twelve of "The Voters' Lists Act," or under sections six or eight of "The Voters' Lists Act of 1876," was during the twelve months next prior to the passing hereof, or is here-  
30 after certified by the County Judge, shall, upon any scrutiny, be final and conclusive evidence of the right of all persons named therein to vote at any election at which such list was or could have been legally used ; except

Certified voters' list conclusive.

(1) Persons guilty of corrupt practices at or in respect of the  
35 election in question on such scrutiny, or since said list was certified by the County Judge as aforesaid ;

Exceptions.

(2) Persons who, at any time subsequently to said list being certified by the County Judge as aforesaid, are or have been



non-resident either within the municipality to which said list relates, or within the electoral district for which the election is being held, and who by reason thereof are under the provisions of "The Election Act of Ontario" incompetent and disentitled to vote;

5

(3) Persons who, being entered on said list in respect of income only, have not paid the municipal tax on such income within the time in that behalf required by the sub-sections of section seven of "The Election Act of Ontario;" and

(4) Persons who, under sections four, five and six of "The 10 Election Act of Ontario," are disqualified and incompetent to vote.

Voters' list  
based on roll  
of 1877.

1. Notwithstanding anything in this or any other Act contained, any voters' list based upon the assessment roll of any municipality for the year one thousand eight hundred and 15 seventy-seven, shall, at the instance, and upon the complaint of any person entitled either to be entered on said list, or to vote or be a voter in the electoral district in which said municipality is situate, be still subject to be revised and corrected by the County Judge to the extent and in the manner and upon and 20 for all or any of the grounds mentioned in section eight and the sub-sections of section eight of "The Voter's Lists Act;" and with respect to and upon the hearing and determination of any such complaint, none of the provisions of section three of this Act shall apply, nor shall any decision of the County 25 Judge heretofore made, either under "The Voter's Lists Act," or any other Act, in regard to the right of any person to vote be, for any purpose whatsoever, considered or taken as final or conclusive; and the proceedings upon and with respect to such complaint shall be as follows:

30

Proceedings on  
complaint as  
to list on roll  
of 1877.

(1) The person making the same shall on or before the first day of June next after the passing of this Act give notice thereof as nearly as may be in the manner and form provided by section nine of the "The Voter's Lists Act;" and the proceedings thereafter by, and the respective powers, 35 duties, rights and liabilities of the clerk or other proper officer of the municipality, the County Judge, and all other persons and parties respectively, and the forms to be used shall, except where otherwise provided by this Act, be as nearly as may be as if said complaint were one duly made under and pursuant 40 to said section nine;

(2) The said clerk, or other proper officer in that behalf, shall within five days after said first day of June, notify the County Judge of the number and nature of the complaints so made, and thereupon it shall be duty of the County Judge so to 45 arrange and proceed, and to fix the sittings of the court for the hearing of such complaints, that every such complaint shall be heard and determined, and said list finally revised, corrected and certified under this Act, before the first day of August next after the passing hereof;

3. Said clerk, or other proper officer, shall bring with him 50 from among the records of his office and produce to and at the Court appointed for the hearing of said complaints, the copy of said list and any statement of changes therein heretofore certified by the County Judge, or in lieu thereof shall bring and produce as aforesaid a true copy of the same list and statement or 55 of either of them, as the case may be, certified to be correct by the Clerk of the Peace.

5. Immediately after any list has, under the provisions of the next preceding section of this Act, been finally revised and corrected by the County Judge, he shall make, or cause to be made, and shall sign a statement in triplicate, setting forth the changes, if any, which he has made in the list, and shall certify in triplicate a corrected copy of the list, the forms for such statement and certificate to be, as nearly as may be, the same as those referred to in section twelve of "the Voters' Lists' Act."

Duty of Judge after revision of list from roll of 1877.

2. The County Judge shall retain one of such certified copies, and one statement, and shall forthwith deliver or transmit by post, registered, one of such certified copies and one statement, to the clerk of the peace, and one of such certified copies and one statement to the clerk of the municipality, to be kept by him among the records of his office; and

3. Such last mentioned list and copies shall, for all purposes and in all respects, except as to any election the writ for which bears date on a day prior to the transmission or delivery under this section of said copy and statement to said clerk of the peace as aforesaid, supersede and be used, and stand in lieu of the list complained against and sought to be revised and corrected under said next preceding section of this Act, and thereafter except in respect of such an election as in this section mentioned, said list so complained against shall be null and void.

Superseding of lists complained of.

6. Any list hereafter corrected and certified by the Judge under sections four and five of this Act, and actually transmitted or delivered to the clerk of the peace under this Act on or before the day of the date of the writ for an election, shall, for all purposes, and within the meaning of "The Election Act of Ontario" be considered and taken as having been delivered or transmitted to the said clerk of the peace, under "The Voters' List Act," at least one month before the date of the writ for such election; but in respect of any election the writ for which bears date on a day prior to such actual transmission or delivery the proper list to be used shall be the one which, if this Act had not been passed, could have been legally used thereat.

Provisions as to lists delivered before or after date of writ for election.

7. It shall hereafter be the duty of the County Judge so to arrange and proceed and so to fix the sittings of the Court for the hearing of complaints against or in respect of any Voters' List, that such complaints shall be heard and determined, and said list finally revised, corrected and certified under "the Voters' Lists Act," as early as may be before the fifteenth day of November next after the making and return of the Assessment Roll on which such list is based: Provided always, that nothing in this section contained, shall apply to any Voters' List specially provided for by the provisions of sections four and five of this Act.

Judge to revise and certify before 15 Nov. next after return of roll.

8. To remove doubts it is hereby declared that any Farmers' Son entitled as such to be assessed or to have his name entered in the Assessment Roll of any Municipality, shall be so assessed and shall have his name so entered without any request in that behalf, unless he informs or notifies the assessor to the contrary; and any person entitled to be entered in such Assessment Roll or in the Voters' List based thereon, or to vote or to be a voter in the Electoral District in which said municipality is situate, shall, in order to have the name of such Farmers'

Assessment and entry on roll of farmer's son.

Son entered and inserted in such Assessment Roll, or List of Voters, as the case may be, have for all purposes the same right to apply, complain or appeal to any Court or to any Judge in that behalf, as such Farmers' Son would or can have personally, unless it is made to appear to the Court or Judge that such Farmers' Son actually dissents therefrom; and the Act passed in the fortieth year of the reign of Her Majesty, chaptered nine, and intituled "An Act to give the right of Voting to Farmers' Sons in certain cases," shall be read and construed as if this section had been included therein at the time of the passing thereof.

Inspection and copies of documents.

**9.** Any voter, and any person entitled to be a voter, shall have liberty at all reasonable times, and under reasonable restrictions, to inspect and take copies of, or extracts from assessment rolls, notices, complaints, applications, and other papers and proceedings necessary or of use for the carrying out of the provisions of "The Assessment Act," "The Voters' List Act,"

Duty of Clerk.

and this Act; and the Clerk of the Municipality is to afford for the said purposes all reasonable facilities which may be consistent with the safety of the said documents, and the equal rights and interests of all persons concerned, and shall in regard to the matters aforesaid be subject to the directions and summary jurisdiction of the County Judge.

Opinions may be had from a Court or Judge on general questions.

**10.** In order to facilitate uniformity of decision without the delay or expense of appeals, the Lieutenant-Governor in Council may refer to the Court of Appeal, or a judge thereof, or to any of the Superior Courts, or a judge thereof, a case on any general question arising, or likely to arise, or expected to arise, under the Voters' List Act or this Act; and such Court or judge is thereupon to hear and consider the same, and to certify to the Lieutenant-Governor in Council the opinion of the Court or judge thereon; and such opinion is to be published forthwith in the *Ontario Gazette*.

(2.) The said Court or judge may also give an opinion on any such question at the instance of any voter or voters or person or persons entitled to be voters, if the said Court or judge sees fit, and may require a deposit of money to cover the costs of having the question argued by counsel and the said opinion published.

Clerk to give copies of list to returning officer.

**11.** The Clerk of the Peace or the Clerk of the Municipality who has the custody of a Voters' List, shall furnish copies thereof to the returning officer in three days after a written application thereof has been delivered to him personally or left for him at his proper office.

Production and custody of ballot papers on a recount.

**12.** In case of a recount of votes or ballot papers under section one hundred and seventeen and the five next succeeding sections of "The Election Act of Ontario," the returning officer shall, on a written notice from the Judge, produce the ballot papers at the time and place appointed for the recount, and the same shall continue in the custody of the returning officer; and he shall continue to be responsible therefor, subject to any directions which the Judge may give in respect of the said ballot papers.

Fraudulent insertion or omission, &c.,

**13.** Any person who wilfully and improperly inserts or procures or causes the insertion of any name in the assessment roll,



or assesses or procures or causes the assessment of any person at too high an amount, with intent in either or any such case to give to any person not entitled thereto, an apparent right to vote at any election; or who wilfully inserts, or procures or causes the insertion of any fictitious name in the assessment roll, or who wilfully and improperly omits, or procures or causes the omission of any name from the assessment roll, or assesses or procures or causes the assessment of any person at too low an amount, with intent in either case to deprive any person of his right to vote, shall, upon conviction thereof before a court of competent jurisdiction, be liable to a fine not exceeding two hundred dollars, and to imprisonment until the fine is paid, or to imprisonment in the common gaol of the county or city, for a period not exceeding six months, or to both such fine or imprisonment, in the discretion of the court.

**14.** Where it is provided by any by-law or contract under which the clerk of any municipality is appointed or employed, that the sum to be paid him by way of salary as such clerk is intended expressly or impliedly to include payment for any duties which as such clerk and under "The Voters' Lists' Act" are to be performed by him upon and after the lodging with him of any complaint or appeal under said Act, then such clerk shall not in respect of such duties be entitled to, or be allowed by the County Judge, nor shall there be taxed to him any fee, payment, cost or charge whatsoever; but when it is not intended by such by-law or contract to provide for compensation for the performance of such last-mentioned duties, then such clerk shall be entitled in respect thereof to the following but to no other fee or compensation, that is to say:

1. To the sum of three dollars for each day's attendance on the sittings of the court for the revision of the voter's lists; and
2. To the actual and reasonable disbursements necessarily incurred by him in serving the notices of complaint or appeal when served by himself.

**15.** The person acting as constable at the sittings of the court for the revision of any voters' lists shall as such constable be entitled to the following but no other fees or compensation; that is to say:

1. The sum of one dollar and fifty cents for each days' attendance as such constable;
2. For the service of any process or notice including the service, the receipt and the return thereof and all other services connected therewith when allowed by the Judge, a sum not exceeding ten cents per mile one way for each mile actually and necessarily travelled to effect such service.

**16.** The compensation fixed by the two preceding sections shall be paid to the said clerk and constable respectively by the municipality the list for which is the subject of investigation; and the amount of such compensation as certified by the Judge shall be so paid by the Treasurer of the said Municipality upon the production and deposit with him of the Judge's certificate.



Third Session, Third Parliament, 41 Vic. 1878.

BILL.

An Act to give finality to Voters' Lists and  
for other purposes.

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First Reading, 11th February, 1878.

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Hon. Mr. FRASER.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to give finality to Voters' Lists and for other purposes.

HER Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. This Act may be cited as "The Voters' Lists Finality Act." Short title.

2. In this Act, unless there is something in the context re- Interpretation  
5 pugnant to such a construction:

1. The word "Election," the words "To Vote," the words Election;  
"Corrupt Practices," and the words "Farmers' Son," shall re- To Vote;  
spectively have the meaning given thereto by section two of Corrupt Prac-  
"The Election Act of Ontario;" tices;  
Farmers' Son.

10 2. The word "Voter" shall mean a person entitled to vote, Voter.  
or to be named in the voters' list;

3. The word "List," and the words "Voters' List," shall re- List; Voters'  
spectively mean the alphabetical list referred to in section two List.  
of "The Voters' Lists Act," or in section four of the Act passed  
15 in the fortieth year of Her Majesty's reign, and chaptered  
twelve, as the case may be;

4. The word "scrutiny" shall mean any scrutiny of the Scrutiny.  
votes polled at an election within the meaning of sections  
seventy-two and the nine next succeeding sections of "The  
20 Controverted Elections Act of Ontario;" and

5. The words "Clerk of the Peace," shall mean the Clerk of the Clerk of the  
the Peace for, and the words "County Judge," shall mean the Peace.  
Judge of the County Court for the County or Union of Counties  
within which lies the municipality for or in respect of which  
25 the voters' list is made.

3. Every voters' list which under this Act, or under sections Certified  
eleven or twelve of "The Voters' Lists Act," or under sections voters' list  
six or eight of "The Voters' Lists Act of 1876," was during conclusive.  
the twelve months next prior to the passing hereof, or is here-  
30 after certified by the County Judge, shall, upon any scrutiny, be  
final and conclusive evidence of the right of all persons named  
therein to vote at any election at which such list was or could  
have been legally used; except

(1) Persons guilty of corrupt practices at or in respect of the Exceptions.  
35 election in question on such scrutiny, or since said list was  
certified by the County Judge as aforesaid;

(2) Persons who, at any time subsequently to said list being  
certified by the County Judge as aforesaid, are or have been

non-resident either within the municipality to which said list relates, or within the electoral district for which the election is being held, and who by reason thereof are under the provisions of "The Election Act of Ontario" incompetent and disentitled to vote;

(3) Persons who, being entered on said list in respect of income only, have not paid the municipal tax on such income within the time in that behalf required by the sub-sections of section seven of "The Election Act of Ontario;" and

(4) Persons who, under sections four, five and six of "The Election Act of Ontario," are disqualified and incompetent to vote.

Voters' list  
based on roll  
of 1877.

4. Notwithstanding anything in this or any other Act contained, any voters' list based upon the assessment roll of any municipality for the year one thousand eight hundred and seventy-seven, shall, at the instance, and upon the complaint of any person entitled either to be entered on said list, or to vote or be a voter in the electoral district in which said municipality is situate, be still subject to be revised and corrected by the County Judge to the extent and in the manner and upon and for all or any of the grounds mentioned in section eight and the sub-sections of section eight of "The Voters' Lists Act;" and with respect to and upon the hearing and determination of any such complaint, none of the provisions of section three of this Act shall apply, nor shall any decision of the County Judge heretofore made, either under "The Voters' Lists Act," or any other Act, in regard to the right of any person to vote be, for any purpose whatsoever, considered or taken as final or conclusive; ~~and~~ Provided always, that no such complaint shall be made or permitted under this section with respect to the right of any person to vote or to be entered on the voters' list where such right has at any past revision of such list been enquired into and expressly decided by the County Judge.

Proceedings on  
complaint as  
to list on roll  
of 1877.

5. The proceedings upon and with respect to any complaint made under the provisions of the next preceding section of this Act shall be as follows:

(1) The person making the same shall on or before the *fifteenth* day of *May* next after the passing of this Act give notice thereof as nearly as may be in the manner and form provided by section nine of the "The Voters' Lists Act;" and the proceedings thereafter by, and the respective powers, duties, rights and liabilities of the clerk or other proper officer of the municipality, the County Judge, and all other persons and parties respectively, and the forms to be used shall, except where otherwise provided by this Act, be as nearly as may be as if said complaint were one duly made under and pursuant to said section nine;

(2) The said clerk, or other proper officer in that behalf, shall within five days after said *fifteenth* day of *May*, notify the County Judge of the number and nature of the complaints so made, and thereupon it shall be duty of the County Judge so to arrange and proceed, and to fix the sittings of the court for the hearing of such complaints, that every such complaint shall be heard and determined, and said list finally revised, corrected and certified under this Act, before the *fifteenth* day of *July* next after the passing hereof;

3. Said clerk, or other proper officer, shall bring with him from among the records of his office and produce to and at the



Court appointed for the hearing of said complaints, the copy of said list and any statement of changes therein heretofore certified by the County Judge, or in lieu thereof shall bring and produce as aforesaid a true copy of the same list and statement or of either of them, as the case may be, certified to be correct by the Clerk of the Peace.

6. Immediately after any list has, under the provisions of the two next preceding sections of this Act, been finally revised and corrected by the County Judge, he shall make, or cause to be made, and shall sign a statement in triplicate, setting forth the changes, if any, which he has made in the list, and shall certify in triplicate a corrected copy of the list, the forms for such statement and certificate to be, as nearly as may be, the same as those referred to in section twelve of "the Voters' Lists' Act :"

2. The County Judge shall retain one of such certified copies, and one statement, and shall forthwith deliver or transmit by post, registered, one of such certified copies and one statement, to the clerk of the peace, and one of such certified copies and one statement to the clerk of the municipality, to be kept by him among the records of his office ; and

Duty of Judge after revision of list from roll of 1877.

3. Such last mentioned list and copies shall, for all purposes and in all respects, except as to any election the writ for which bears date on a day prior to the transmission or delivery under this section of said copy and statement to said clerk of the peace as aforesaid, supersede and be used, and stand in lieu of the list complained against and sought to be revised and corrected under said two next preceding sections of this Act, and thereafter except in respect of such an election as in this section mentioned, said list so complained against shall be null and void.

Superseding of lists complained of.

7. Any list hereafter corrected and certified by the Judge under sections four, five and six of this Act, and actually transmitted or delivered to the clerk of the peace under this Act on or before the day of the date of the writ for an election, shall, for all purposes, and within the meaning of "The Election Act of Ontario" be considered and taken as having been delivered or transmitted to the said clerk of the peace, under "The Voters' List Act," at least one month before the date of the writ for such election ; but in respect of any election the writ for which bears date on a day prior to such actual transmission or delivery the proper list to be used shall be the one which, if this Act had not been passed, could have been legally used thereat.

Provisions as to lists delivered before or after date of writ for election.

8. It shall hereafter be the duty of the County Judge so to arrange and proceed and so to fix the sittings of the Court for the hearing of complaints against or in respect of any Voters' List, that such complaints shall be heard and determined, and said list finally revised, corrected and certified under "the Voters' Lists Act," within two months of the last day for making such complaints : Provided always, that nothing in this section contained, shall apply to any Voters' List specially provided for by the provisions of sections four, five and six of this Act.

Judge to revise and certify within two months of last day for complaint.

Proviso.

9. To remove doubts it is hereby declared that any Farmer Son entitled as such to be assessed or to have his name entered in the Assessment Roll of any Municipality, shall be so assessed and shall have his name so entered without any request in

Assessment and entry on roll of farmer's son.



that behalf, unless he informs or notifies the assessor to the contrary ; and any person entitled to be entered in such Assessment Roll or in the Voters' List based thereon, or to vote or to be a voter in the Electoral District in which said municipality is situate, shall, in order to have the name of such Farmers' Son entered and inserted in such Assessment Roll, or List of Voters, as the case may be, have for all purposes the same right to apply, complain or appeal to any Court or to any Judge in that behalf, as such Farmers' Son would or can have personally, unless it is made to appear to the Court or Judge that such Farmers' Son actually dissents therefrom ; and the Act passed in the fortieth year of the reign of Her Majesty, chaptered nine, and intituled " An Act to give the right of Voting to Farmers' Sons in certain cases," shall be read and construed as if this section had been included therein at the time of the passing thereof.

Inspection and  
copies of  
documents.

**10.** Any voter, and any person entitled to be a voter, *and any agent of such voter or person*, shall have liberty at all reasonable times, and under reasonable restrictions, to inspect and take copies of, or extracts from assessment rolls, notices, complaints, applications, and other papers and proceedings necessary or of use for the carrying out of the provisions of " The Assessment Act," " The Voters' List Act," and this Act ; and the Clerk of the Municipality is to afford for the said purposes all reasonable facilities which may be consistent with the safety of the said documents, and the equal rights and interests of all persons concerned, and shall in regard to the matters aforesaid be subject to the directions and summary jurisdiction of the County Judge.

County Judge  
may obtain  
opinion from  
Court of  
Appeal or  
Judge thereof.

**11.** In order to facilitate uniformity of decision without the delay or expense of appeals.

(1) Any County Judge may state a case on any general question arising or likely to arise, or expected to arise under " the Voters' List Act " or this Act, and may transmit the same to the Lieutenant-Governor in Council, who thereupon shall immediately refer the said case to the Court of Appeal or a Judge thereof for the opinion of such Court or Judge thereupon ; or

Lieut.-Gov-  
ernor may ob-  
tain opinion.

(2) The Lieutenant-Governor in Council may refer a case on any such general question to said Court of Appeal or a Judge thereof, for a like opinion.

Duty of Court  
or Judge.

(3) Immediately upon the receipt of such case it shall be the duty of such Court or Judge to appoint a time and place for hearing arguments (if any be offered) upon the points and matter involved in such case, of which time and place written notice shall be given by the Clerk of said Court posting up a copy of such notice in the office of each one of the Superior Courts at Osgoode Hall, in Toronto, at least ten clear days before the time appointed as aforesaid.

Argument.

(4) At the time and place fixed therefor as aforesaid, such Court or Judge shall hear argument upon the case by such and so many of the counsel present (if any) as such Court or Judge may deem reasonable, and shall thereupon consider the said case and certify to the Lieutenant-Governor in Council the opinion of the Court or Judge thereon ; and such opinion shall thereupon be forthwith published in the *Ontario Gazette*, and a copy thereof sent to the Judge of each County Court.

Opinion, pub-  
lishing same.

(5) The said Court of Appeal or a Judge thereof, may also give an opinion on any such question at the instance of any voter or voters or person or persons entitled to be voters, if said Court or Judge sees fit; and the proceedings with respect thereto shall be, as nearly as may be, the same as upon a case referred as aforesaid, but, in addition, such Court or Judge may require a deposit of money to cover the costs of hearing the question argued by Counsel, and may require such notice of the proceedings or any of them to be given to such person or persons as the Court or Judge may direct. Discretionary opinion by Court or Judge to voter.

10 **12.** The Clerk of the Peace or the Clerk of the Municipality who has the custody of a Voters' List, shall furnish copies thereof to the returning officer in *four* days after a written application thereof has been delivered to him personally or left for him at his proper office. Clerk to give copies of list to returning officer.

15 **13.** In case of a recount of votes or ballot papers under section one hundred and seventeen and the five next succeeding sections of "The Election Act of Ontario," the returning officer shall, on a written notice from the Judge, produce the ballot papers at the time and place appointed for the recount, and the same shall continue in the custody of the returning officer; and he shall continue to be responsible therefor, subject to any directions which the Judge may give in respect of the said ballot papers. Production and custody of ballot papers on a recount.

**14.** Any person who wilfully and improperly inserts or procures or causes the insertion of any name in the assessment roll, or assesses or procures or causes the assessment of any person at too high an amount, with intent in either or any such case to give to any person not entitled thereto, an apparent right to vote at any election; or who wilfully inserts, or procures or causes the insertion of any fictitious name in the assessment roll, or who wilfully and improperly omits, or procures or causes the omission of any name from the assessment roll, or assesses or procures or causes the assessment of any person at too low an amount, with intent in either case to deprive any person of his right to vote, shall, upon conviction thereof before a court of competent jurisdiction, be liable to a fine not exceeding two hundred dollars, and to imprisonment until the fine is paid, or to imprisonment in the common gaol of the county or city, for a period not exceeding six months, or to both such fine or imprisonment, in the discretion of the court. Fraudulent insertion or omission, &c., on, or dealing with the roll; Penalty.

**15.** Where it is provided by any by-law or contract under which the clerk of any municipality is appointed or employed, that the sum to be paid him by way of salary as such clerk is intended expressly or impliedly to include payment for any duties which as such clerk and under "The Voters' Lists' Act" are to be performed by him upon and after the lodging with him of any complaint or appeal under said Act, then such clerk shall not in respect of such duties be entitled to or be allowed by the County Judge, nor shall there be taxed to him any fee, payment, cost or charge whatsoever; but when it is not intended by such by-law or contract to provide for compensation for the performance of such last-mentioned duties, then such clerk shall be entitled in respect thereof to the following but to no other fee or compensation, that is to say: Fees to clerk on a complaint.

1. To the sum of three dollars for each day's attendance on the sittings of the court for the revision of the voters' lists; and

2. To the actual and reasonable disbursements necessarily incurred by him in serving the notices of complaint or appeal when served by himself.

Constables' fees.

**16.** The person acting as constable at the sittings of the court for the revision of any voters' lists shall as such constable be entitled to the following but no other fees or compensation; that is to say :

10

1. The sum of one dollar and fifty cents for each days' attendance as such constable ;

2. For the service of any process or notice including the service, the receipt and the return thereof and all other services connected therewith when allowed by the Judge, a sum not exceeding ten cents per mile one way for each mile actually and necessarily travelled to effect such service.

By whom and on what the clerk and constable shall be paid.

**17.** The compensation fixed by the two preceding sections shall be paid to the said clerk and constable respectively by the municipality the list for which is the subject of investigation ; and the amount of such compensation as certified by the Judge shall be so paid by the Treasurer of the said Municipality upon the production and deposit with him of the Judge's certificate.

No. 95.

Third Session, Third Parliament, 41 Vic., 1878.

BILL.

An Act to give finality to Voters' Lists and for other purposes.

(Reprinted as Amended.)

First Reading, 11th February, 1878.

Second " 19th " 1878.

Hon. Mr. FRASER.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

No. 96.]

## BILL.

[1878.

### An Act to amend "The Municipal Act."

HER Majesty, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :

1. Section four hundred and forty-two of chapter one hundred and seventy four of the Revised Statutes of Ontario is <sup>R. S. c. 174, s. 442</sup> amended.  
5 hereby amended by adding to the end of said section the words, "other than Official Assignees."

2. Section four hundred and forty-five of the aforesaid <sup>Sec. 445</sup> chapter, is hereby amended by adding next after the word <sup>amended.</sup>  
10 "courts" in the tenth line thereof, the words, "and all other charges relating to Criminal Justice payable by the County in the first instance."



No. 96.

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Third Session, Third Parliament, 41 Vic, 1878.

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BILL.

To amend "The Municipal Act."

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First Reading, 11th February, 1878.

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Mr. SEXTON.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

No. 97.]

## BILL.

[1878.

An Act to amend the Act respecting Fees of Counsel  
and other Officers in the Administration of Justice.

**H**ER MAJESTY, by and with the advice and consent of R. S. c. 8  
the Legislative Assembly of the Province of Ontario, amended.  
enacts as follows :—

**1.** The following section shall be added to chapter eighty- City Council  
5 four of the Revised Statutes of Ontario, and numbered as sec- may pay clerk  
tion nine thereof. a gross sum in  
lieu of fees.

9. It may be lawful for the county council to pay the clerk  
of the peace such gross sum as may be agreed upon between  
the council and the said clerk in lieu of all fees chargeable by  
10 him to the county.

No. 97.

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Third Session, Third Parliament, 41 Vic. 1878.

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BILL.

An Act to amend the Act respecting Fees  
of Counsel and other Officers in the Ad-  
ministration of Justice.

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First Reading, 14th February, 1878.

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Mr. SEXTON.

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TORONTO :

PRINTED BY HUNTER, ROSE & Co.

## An Act to amend the Line Fences Act.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. In the Line Fences Act, being chapter one hundred and  
5 ninety eight of the Revised Statutes of Ontario, the expression  
“occupied lands,” shall not include uninclosed bush land  
although a part of the lot, parcel or farm to which such bush  
land belongs is enclosed and in actual use and occupation, but  
the said expression shall include all lands which are so far  
10 enclosed as to prevent the general public from using the same,  
and whether the owner or occupant of said lands is or is not  
resident thereon.
- Interpretation  
of the words  
“occupied  
lands.”



NO. 98.

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Third Session, Third Parliament, 41 Vic. 1878.

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BILL.

An Act to amend the Line Fences Act.

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First Reading, 12th February, 1878.

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MR. BISHOP.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO

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No. 98.]

# BILL.

[1878.]

## An Act to amend the Line Fences Act.

**H**ER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. In the Line Fences Act, being chapter one hundred and  
5 ninety-eight of the Revised Statutes of Ontario, the expression  
“occupied lands,” shall not include ~~so~~ so much of a lot, parcel  
or farm as is unenclosed, although a part of such lot, parcel or  
farm is enclosed and in actual use and occupation. ~~so~~

Interpretation  
of the words  
“occupied  
lands.”

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Third Session, Third Parliament, 41 Vic., 1878.

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BILL.

An Act to amend the Lime Fences Act.

*(Reprinted as Amended.)*

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First Reading,	12th February,	1878.
Second	"	15th " 1878.

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MR. BISHOP.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

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No. 99.]

## BILL.

[1878.

An Act to amend the General Road Companies' Act.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section one hundred and fifty-two of chapter one hundred and fifty-two of the Revised Statutes of Ontario is hereby amended by adding next after the word "purchased" in the tenth line thereof, "or leased," and also by adding next after the word "Canada" in the eleventh line of said section the words, "or Dominion of Canada." R. S. c. 152, s. 152, amended.



Third Session, Third Parliament, 41 Vic., 1878

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BILL.

An Act to amend the General Road Companies' Act.

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First Reading, 14th February, 1878.

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Mr. SEXTON.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

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No. 100.]

# BILL.

[1878.

## An Act to Amend The Jurors' Act.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section one hundred and fifty-one of chapter forty-eight R. S. c. 48, s.  
5 of the Revised Statutes of Ontario is hereby amended by add-<sup>151, amended.</sup>  
ing next after the word "the," in the last line of said section,  
the words "drafting, recording, summonsing, and."

Third Session, Third Parliament, 41 Vic. 1878.

BILL.

An Act to Amend the Jurors' Act.

First Reading, 12th February, 1878.

Mr. SEXTON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

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No. 101]

BILL.

[1878.

An Act to Amend the Agriculture and Arts Act.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. Section seventy-three of chapter thirty-five of the Re- R. S. c. 35, s.  
5 vided Statutes of Ontario is hereby amended by striking out the 73, amended.  
word "five," in the fifth line thereof, and inserting the word  
"two" in lieu thereof.



No. 101.

Third Session, Third Parliament, 41 Vic, 1878.

BILL.

An Act to Amend the Agriculture and Arts  
Acts.

First Reading, 13th February, 1878.

Mr. LANE.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act to restore to Her Majesty's subjects in Ontario the right of trial by Jury in Civil Actions

**W**HEREAS the Administration of Justice Act of 1873 Preamble. deprived all suitors in civil actions in the County Courts and Superior Courts of this Province of the right of trial by jury, except in cases of libel, slander, criminal conversation, and a few other torts: And whereas trial by jury "the glory of the English law" being no longer demandable as a right (except as aforesaid) is placed by the said Act in the discretion of the court or a judge: And whereas under the authority of the said Act judges frequently, and against  
 10 the wishes and protests of suitors, refuse to submit issues of fact to a jury, but render verdicts themselves, sitting alone, after the manner of the Court of Chancery: And whereas the discretion given to judges in England by the forty-sixth section of the Supreme Court of Judicature Act of 1873,  
 15 was qualified and limited by an amendment of that Act in 1875, whereby it is declared that nothing in the said Acts "nor in any rule or order made under the powers thereof shall take away or prejudice the right of any party to any action to have issues for trial by jury submitted and left by the judge  
 20 to the jury before whom the same shall come for trial, with a proper and complete direction to the jury upon the law, and as to the evidence applicable to such issues:" And whereas the rights of Her Majesty's Canadian subjects are not less sacred nor less exposed to infringement by "the introduction of new  
 25 and arbitrary methods of trial," than those of their fellow subjects in England: And whereas it is expedient to follow the example of the Imperial Parliament;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts  
 30 as follows:

**1.** Nothing in the said Administration of Justice Act of 1873, nor in the Revised Statutes of 1877, nor in any rule or order of any court, shall take away or prejudice the right of any party to any action, to have the issues for trial by jury submitted and  
 35 left by the judge to the jury before whom the same shall come for trial, with a proper and complete direction to the jury upon the law, and as to the evidence applicable to such issues: Provided always, that the said right may be enforced either by motion in one of the Superior Courts, or in the Court of Appeal,  
 40 founded upon an exception, entered upon or annexed to the record.

Existing statutes not to prevent the right to have issues tried by jury.

**2.** So much of sections two hundred and fifty-three, two hundred and fifty-four and two hundred and fifty-five of chapter fifty, or of any other section of the Revised Statutes as de-

Inconsistent enactments repealed.

prives, or authorizes a judge to deprive, any party to any such action of the right to have the issues of fact tried before a judge and jury is hereby repealed.

Waiver of  
right

**3.** But such right may be waived by not giving the notice mentioned in the sub-section of section two hundred and fifty-three of chapter fifty of the said Revised Statutes, or by consent of the parties at the trial as heretofore. 5

No. 102.

Third Session, Third Parliament, 41 Vic., 1878.

BILL.

An Act to restore to Her Majesty's subjects in Ontario the right of trial by jury in Civil Actions.

First Reading, 13th February, 1878.

Hon. Mr. McDougall.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

## An Act respecting Landlords and Tenants.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. In the construction of this Act, the word "Landlord" shall be understood as signifying the person entitled to the immediate reversion, or in the case of joint tenancy or tenancy in common, shall be understood as signifying any one of the persons entitled to such reversion;

Interpretation  
"Landlord."

(2.) The word "Premises" shall be understood as signifying "Premises," 10 lands, houses, or any other corporeal hereditaments.

2. This Act applies to tenancies created after the passing of this Act.

3. Where a landlord has by law a right to enter for non-payment of rent, it shall not be necessary to demand the rent on the day when due, or with the strictness required at common law, and a demand of rent shall suffice notwithstanding more or less than the amount really due is demanded, and notwithstanding other requisites of the common law are not complied with: Provided that, unless the premises are vacant, the demand be made fifteen days at least before entry; such demand to be made on the tenant personally anywhere, or on his wife or some other grown up member of his family on the premises.

Common law,  
strict demand  
of rent dis-  
penssed with  
when landlord  
entitled to re-  
enter.

4. A landlord shall not be entitled to seize under a distress warrant any goods and chattels now exempt from seizure under execution: provided that the tenant gives, or is ready and willing to give, to the landlord immediate possession of the premises in respect of which the rent is due.

Goods exempt  
from execu-  
tion exempted  
from distress  
if the tenant  
surrender the  
term.

(2) The tenant, at any time before such exempted goods and chattels are seized, or before they are sold, may claim this exemption, by giving up possession of the premises to the landlord or his agent, or being ready and offering so to do.

(3) The offer may be made to the landlord or to his agent; and the person authorized to seize and sell the said goods and chattels, or having the custody thereof for the landlord, shall be considered an agent of the landlord for the purpose of the offer and surrender to the landlord of such possession.

(4) Such surrender of possession in pursuance of the landlord's notice shall be a determination of the tenancy.

5. Where a landlord desires to seize such exempted goods he shall, forty-eight hours before distraining for the rent in arrear, serve the tenant with a notice after the tenant has made default

If landlord  
wish to seize  
exempted  
goods he must



notice that tenant may surrender and claim exemption, &c.

in paying his rent; such notice shall inform the tenant what amount is claimed for rent in arrear, and that in default of payment, if he gives up possession of the premises to the landlord within forty-eight hours after service of the notice, he will be entitled to claim exemption for such of his goods and chattels as are exempt from seizure under execution, but that if he neither pays the rent nor gives up possession all his goods and chattels will be liable to seizure, and will be seized and sold to pay the rent in arrear and costs. 5

Form of notice.

(2) The notice may be in the form given in the schedule to this Act or to the like effect. 10

Service of papers.

6. Service of papers under this Act shall be made either personally or by leaving the same with some grown person being in and apparently residing on the premises occupied by the person to be served; and the person serving the same shall read over the same to the person served, or with whom the same shall be left, and shall explain the purport and intent thereof: 15

(2). If the tenant cannot be found, and his place of abode is either not known, or admission thereto cannot be obtained, the posting up of the paper on some conspicuous part of the premises shall be deemed good service. 20

Defective proceedings.

7. No proceeding under this Act shall be deemed defective or rendered invalid by any objection of form.

Landlords claim for rent limited as against execution creditors.

8. A landlord shall not be entitled to claim as against the execution creditors of the tenant any further sum for rent than he would be entitled to prove for against the tenant's estate if it were being wound up under the Insolvent Law now in force in this Province, any proviso or covenant in the lease to the contrary notwithstanding. 25 30

Certain goods on the premises exempt if not belonging to occupant or tenant, &c., or under his control as reputed owner.

9. A landlord shall not be entitled to seize under a distress warrant any goods or chattels except (1) goods and chattels which belong to the tenant, his heirs, executors, administrators or assigns, or other legal representatives, or to his or their sub-tenant, or to occupants under him or them, and (2) except goods and chattels which (if they do not belong as aforesaid) are at the time of seizure in his or their possession, order and disposition by the consent and permission of the owner, and of which (being on the premises and in such possession) with such consent and permission as aforesaid, the tenant or the party or parties aforesaid entitled or interested under or through him, is or are the reputed or apparent owner or owners. 35 40

#### *Schedule, being form of Notice to Tenant.*

Form of notice to tenant under s. 5.

Take notice, that I claim \$ for rent due to me in respect of the premises which you hold as my tenant, namely (*here briefly describe them*); and unless the said rent is paid meantime, I demand from you immediate possession of the said premises; and I am ready to leave in your possession such of your goods and chattels as in that case only you are entitled to claim exemption for.

This notice is given under the Act of the Legislature of Ontario, passed in the year 1878, and entitled, An Act respecting Landlords and Tenants.

(Signed)

To C. D. (*tenant*).

Third Session, Third Parliament, 41 Vic., 1878.

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BILL.

An Act respecting Landlords and Tenants.

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First Reading, 18th February, 1878.

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Hon. Atty.-Genl. MOWAT.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to make certain amendments in the Revised Statutes.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. The Revised Statute, chapter nine, respecting public officers, is hereby amended by adding thereto the following section: Revised Stat., c. 9, amended.

28. No member of the Senate of Canada, or of the Commons of Canada, shall be appointed to or shall hold any permanent office or employment in the service of the Government of Ontario, at the nomination of the Crown or of the Lieutenant-Governor, to which any salary, or other emolument in lieu of salary, is attached; but this section shall not be held to include justices of the peace, coroners, or notaries public, or any like office. Members of Senate or Commons not to hold permanent office.

2. The Revised Statute respecting the Courts of Queen's Bench and Common Pleas, chapter thirty-nine, is amended by inserting the following: Revised Stat., c. 39, amended.

14a. The Chief Justices of the said Courts of Queen's Bench and Common Pleas shall, on the first day in each Term, and from time to time thereafter as occasion may require, meet together and examine the list of causes and direct the transfer of such and so many of the said causes and matters from the one Court to the other as shall as nearly as possible in their judgment equalise the amount of business to be done by each of the said Courts, and after such transfer the causes so transferred shall be heard and disposed of by the Court to which the transfer is made as if the said causes so transferred had originated in the Court to which the transfer is made, and the judgments, orders, and decrees so made by either of the said Courts shall have the same force and effect as if made by the other of them. Chief Justices to transfer causes so as to equalize the business of the two Courts.

3. The Revised Statute respecting the Court of Chancery, chapter forty, section one hundred and four, so far as it directs payment of any fee to "The Suitors' Fee Fund Account" is hereby repealed. Payments to Suitors Fee Fund abolished.

4. The Revised Statute respecting the Division Courts, chapter forty-seven, is hereby amended, by striking out the sixth, seventh, eighth, ninth and tenth lines of section fifty-four and substituting the following therefor, and the said section as amended shall be deemed to have been in force on and from the first day of January last:— Revised Stat., c. 47, s. 54, amended.



"2. All claims and demands of debt, account or breach of contract, or covenant, or money demand, whether payable in money or otherwise, where the amount or balance claimed does not exceed one hundred dollars ;"

Power given to Superior Courts to receive further evidence in all appeals.

5. The Revised Statute respecting the better administration of Justice in the Courts of Ontario, chapter forty-nine, is hereby amended by inserting after section eight the following :—

"8a. The Judges of the Superior Courts of Law, and Equity, shall in all appeals, motions in term, re-hearings or hearings in the nature of appeals, have the same power to receive further evidence upon questions of fact as is conferred on the Judges of the Court of Appeal by section twenty-two of chapter thirty-eight of the Revised Statutes of Ontario"

Depositions taken in shorthand may be taken down by question and answer and need not be read over or signed.

6. The Revised Statute respecting the Procedure of the Superior Courts of Common Law and of the County Courts, chapter fifty, is hereby amended by inserting after section one hundred and sixty-six, the following :—

"166a. Notwithstanding anything in this Act contained, where an examination in a cause or proceeding in any court is taken by the examiner, or any other duly authorized person, in shorthand, the examination may be taken down by question and answer ; and in such case it shall not be necessary for the depositions to be read over to, or signed by, the person examined, unless the judge so directs where the examination is taken before a judge, or in other cases unless any of the parties so desires."

Certified copy to have effect of original depositions.

"166b. A copy of the depositions so taken, certified by the person taking the same as correct, shall for all purposes have the same effect as the original depositions in ordinary cases."

7. The said Statute respecting the Procedure of the Superior Courts of Common Law and of the County Courts is hereby further amended by inserting after section one hundred and seventy the following :—

Penalty for non-compliance with order for examination, discovery or inspection.

"170a. If any person fails, without sufficient excuse, to comply with an order for examination, discovery, or inspection, he shall, if a plaintiff, be liable to have his action dismissed for want of prosecution, and, if a defendant, to have his defence struck out, and to be placed in the same position as if he had not defended, and the Court or a Judge may make an order accordingly.

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Law as to examination, discovery and inspection to apply to parties residing out of Ontario.

"170b. The preceding sections as to preliminary examination of parties, and discovery and inspection of documents, shall, so far as practicable, apply to parties residing out of Ontario, and in such cases the court may order the examination of the parties to be taken at such place and in such manner as may seem just and convenient."

Revised Stat. c. 73, s. 4, amended.

8. The Revised Statute for the Protection of Justices of the Peace and other Officers from Vexatious Actions, chapter seventy-three, section four, is hereby amended by inserting after the word "action," in the first line of the said section, the

50

words, "as mentioned in this Act;" and by striking out the word "such" in the second line, and substituting the word "a," and the said section as amended shall be deemed to have been in force on and from the first day of January last.]

5 **9.** The Revised Statute respecting the Administration of Justice in the vicinity of Niagara Falls, chapter ninety-one, is hereby amended by striking out section eleven of the said Act, and the said Act shall be read as if the said amendment had been made on the first day of January last. Revised Stat. c. 91, s. 11, repealed.

10 **10.** The Revised Statute respecting Mortgages and Sales of Personal Property, chapter one hundred and nineteen, is hereby amended by inserting the following after section six of the said Act:— Revised Stat. c. 119, amended.

15 *6a.* The affidavit of *bona fides* required by the two preceding sections may be made by one of two or more bargainees or mortgagees; and no sale or mortgage heretofore made shall be invalidated by reason of such affidavit being made by one only of several bargainees or mortgagees. Affidavit of bona fides may be made by one of two or more bargainees or mortgagees.

(2.) The said statute respecting Mortgages or Sales of Personal Property, is further amended by striking out the words "for taking," in the second and third lines of section twenty-four, and substituting the words, "or other person authorized to take." Revised Stat. c. 119, s. 24, amended.

25 (3.) The said amendments to the said statute respecting Mortgages and Sales of Personal Property shall be deemed to have been in force on and from the first day of January last. Amendments to be deemed in force on 1st January, 1878.

**11.** The Revised Statute respecting Assurances on the lives of Husbands and Parents for the benefit of their Wives and Children, chapter one hundred and twenty-nine, section thirteen, is hereby repealed and the following substituted therefor: Revised Stat. c. 129, s. 13, repealed.

35 "The person insured may, from time to time, borrow from the company insuring or from any other company or person on the security of the policy, such sums as may be necessary to keep the said policy in force, and the sums so borrowed, together with such lawful interest thereon as may be agreed, shall be a first lien on the policy and on all moneys payable thereunder notwithstanding any such direction in favour of the wife and children or any or either of them." Power to borrow on policy in order to keep same in force.

40 **12.** The Revised Statute respecting the study of Anatomy, chapter one hundred and forty-three is hereby amended by repealing sections three, four and five of the said Statute; and the same are hereby repealed and, the following substituted as section three:— Revised Stat., c. 143, amended.

45 "3. The Lieutenant-Governor may appoint during pleasure, a person, not being a medical practitioner, nor connected with any public or private school of medicine, to be Inspector of Anatomy for such part of the Province or for such City, Town or other locality therein as may be named in the appointment."

Revised Stat.,  
c. 150,  
amended.

**13.** The Revised Statute respecting the Incorporation of Joint Stock Companies by Letters Patent, chapter one hundred and fifty, is amended by inserting therein the following :—

Joint Stock  
Companies  
may issue pre-  
ferential  
stock.

**17a.** The directors of any company which has been heretofore incorporated or shall be hereafter incorporated under "The Ontario Joint Stock Companies' Letters Patent Act," or "The Ontario Joint Stock Companies' Letters Patent Act 1874," may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority, as respects dividends and otherwise, over ordinary stock, as may be declared by such by-law. 5 10

(2) Such by-law may provide that the holders of such preference shares shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient. 15

(3) No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by the vote of the shareholders, present in person or by proxy at a general meeting of the company, duly called for considering the same, or unanimously sanctioned in writing by the shareholders of such company. 20

(4) All the provisions of The Ontario Joint Stock Letters Patent Act not inconsistent with this Act shall apply to companies who may create and issue preferential stock hereunder, and holders of such stock shall be shareholders within the meaning of the said Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of the said Act, provided, however, that in respect of dividends and otherwise they shall, as against the original or ordinary shareholders, be entitled to the preference given by any by-law as aforesaid. 25 30

(5) Nothing in this section shall affect or impair the rights of creditors of any company.

Revised Stat.,  
c. 161, s. 75,  
amended.

**14.** The Revised Statute respecting Mutual Fire Insurance Companies, chapter one hundred and sixty-one, section seventy-five, is hereby amended by striking out the words "this Act," in the last line of the said section and substituting the following: 35

Insurance  
Companies.

"The Acts respecting Mutual Fire Insurance Companies in force before the said twenty-ninth day of March, one thousand eight hundred and seventy-three," and the said section as amended shall be deemed to have been in force on and from the first day of January last. 40

Revised Stat.  
c. 165,  
amended.

**15.** The Revised Statute respecting Railways, chapter one hundred and sixty-five, is hereby amended by adding the following sub-sections eleven and twelve to section thirty-six; and the same shall apply to all railway companies mentioned in section four of the said Act: 45



“11. No bond, coupon, debenture, mortgage, or other security which has been heretofore or shall be hereafter issued by any railway company that is subject to the legislative authority of this Province in this behalf, shall, by reason of any  
 15 lien, charge, incumbrance, or preferential claim on the revenue and assets of the company, be held or construed to prevent a judgment against the company for a debt hereinafter incurred for working expenses, from being enforced by execution; nor shall such security have priority to working expenses herein-  
 10 after incurred, or to an execution therefor.

Bonds not to defeat judgments obtained for, working expenses.

“12. The expression ‘working expenses’ shall mean and include all expenses of maintenance of the railway, including maintenance of the stations, buildings, works and conveniences belonging to the railway, and the maintenance of the rolling  
 15 and other stock and movable plant used in working the railway, and also all such rents or annual sums as may be paid in respect of any railway or warehouses, wharves, or other property, leased to or held by the company, or in respect of the hire of engines, carriages, or waggons let to the company, rent,  
 20 charges or principal and interest on lands belonging to the company, purchased but not paid for, or not fully paid for, and also all expenses of and incident to working the railway and the traffic thereon, including stores and consumable articles; also rates, taxes, insurance and compensation for accidents or  
 25 losses; also all salaries and wages of persons employed in and about the working of the railway and traffic thereof, and all secretarial and establishment expenses including agency, legal and other like expenses; and generally all such charges (if any) not above otherwise specified as, in the case of English railway  
 30 companies, are usually carried to the debit of revenue as distinguished from capital account.”

Working expenses defined.

(2.) So far as relates to debts incurred for working expenses before the passing of this Act, the effect of any special or other Act heretofore passed shall be construed as if this Act had not  
 35 been passed.

Construction of Acts heretofore passed not affected.

16. The Revised Statute respecting Benevolent, Provident and other Societies, chapter one hundred and sixty-seven, section eleven, is hereby amended by striking out the words “five hundred,” in the fifth and sixth lines of the said section, and  
 40 substituting the words, “two thousand.”

Revised Stat. c. 167, s. 11, amended.

17. The Revised Statute respecting Municipal Elections, chapter one hundred and seventy-four, section one hundred and forty-two, is hereby amended by striking out the word “making,” in the second line of the said section, and substituting  
 45 the word “marking.”

Revised Stat. c. 174, s. 142, amended.

18. The Revised Statute respecting Public Schools, chapter two hundred and four, is hereby amended by adding the following sub-section to section 29:—

Public Schools Act s. 161, amended.

(2) In the case of a school section in any unorganised town-  
 50 ship, or in any municipality composed of one or more townships, but without county organization, any person therein whose place of residence is at a distance of more than three miles in a direct line from the site of the school-house of such section, shall be exempt from all rates for school purposes.

New sub-section thereto.



**19.** The said statute respecting Public Schools is hereby further amended by adding the following sub-sections to section 161, namely :—

Teacher entitled to holidays and vacations.

“(4) Every teacher of a Public School shall be entitled to be paid his salary for the authorized holidays occurring during the period of his engagement with the trustees, and also for the vacations which follow immediately on the expiration of the school term during which he has served, or the term of his agreement with such trustees.” 5

Case of sickness,

Four weeks allowed.

“(5) In case of sickness, certified by a medical man, he shall be entitled to his salary, during such sickness for a period at the rate of not exceeding four weeks for the entire year ; which period may be increased at the pleasure of the trustees. 19

Additional school.

**20.** The said statute respecting Public Schools is hereby further amended by adding to section one hundred and twenty the following: “ But this shall not apply to the case of an additional school, which is provided for under section one hundred and three of this Act.” 15

Revised Stat. c. 220, s. 52, repealed.

**21.** The Revised Statute respecting Lunatic Asylums and the Custody of Insane Persons, chapter two hundred and twenty, is hereby amended by striking out section fifty-two of the said Act. 20

## BILL.

An Act to make certain amendments in the Revised Statutes.

First Reading, 19th February, 1878.

Hon. Atty.-Genl. MOWAT.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act to make certain amendments in the Revised Statutes.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

**1.** The Revised Act respecting the Territorial District of Ontario, chapter five section one, be amended by striking out the names of the townships of "Hagerty, Sherwood, Jones, Richards, Burns," as portions of the Judicial District of Nippissing, and adding the same to the County of Renfrew, and the said amendments shall be deemed to have been in force on and 10 from the first day of January last.

**2.** The Revised Statute respecting the Court of Appeal chapter thirty-eight, is amended by substituting the following for section twelve :

**12.** No sitting of the Court of Appeal shall be held unless four of its members are present where the appeal is from one of the Superior Courts, or unless three of its members are present where the appeal is from a County Court or Judge or a Surrogate Court or a Stipendiary Magistrate, and no greater number than four Judges of the said Court of Appeal shall sit 20 at one time, except for the purpose of giving judgment.

**3.** The Revised Statute, chapter nine, respecting public officers, is hereby amended by adding thereto the following Revised Stat., c. 9, amended. section:

28. No member of the Senate of Canada, or of the Commons 25 of Canada, shall be appointed to or shall hold any permanent office or employment in the service of the Government of Ontario, at the nomination of the Crown or of the Lieutenant-Governor, to which any salary, or other emolument in lieu of salary, is attached ; but this section shall not be held to include 30 justices of the peace, coroners, or notaries public, or any like office.

**4.** The Revised Statute respecting the Courts of Queen's Bench and Common Pleas, chapter thirty-nine, is amended by Revised Stat., c. 39, amended. inserting the following :

14a. The Chief Justices of the said Courts of Queen's Bench 35 and Common Pleas shall, on the first day in each Term, and from time to time thereafter as occasion may require, meet together and examine the list of *motions, rules and other matters set down for argument*, and direct the transfer of such and so Chief Justices to transfer causes so as to equalize the business of the two Courts.

many of the said *motions, rules and other* matters, from the one Court to the other as shall as nearly as possible in their judgment equalise the amount of business to be done by each of the said Courts, and after such transfer the *motions, rules and other matters* so transferred shall be heard and disposed of by the Court to which the transfer is made as if the said *motions, rules and other matters* so transferred had originated in the Court to which the transfer is made, and the judgments, orders, and decrees so made by either of the said Courts shall have the same force and effect as if made by the other of them. 10

Payments  
to Sutors  
Fee Fund  
abolished.

5. The Revised Statute respecting the Court of Chancery, chapter forty, section one hundred and four, so far as it directs payment of any fee to "The Sutors' Fee Fund Account" is hereby repealed.

Revised Stat.  
c. 47, s. 54,  
amended.

6. The Revised Statute respecting the Division Courts, chapter forty-seven, is hereby amended, by striking out the sixth, seventh, eighth, ninth and tenth lines of section fifty-four and substituting the following therefor, and the said section as amended shall be deemed to have been in force on and from the first day of January last:— 20

"2. All claims and demands of debt, account or breach of contract, or covenant, or money demand, whether payable in money or otherwise, where the amount or balance claimed does not exceed one hundred dollars; "

Power given  
to Superior  
Courts to re-  
ceive further  
evidence in  
all appeals.

7. The Revised Statute respecting the better administration of Justice in the Courts of Ontario, chapter forty-nine, is hereby amended by inserting after section eight the following:— 25

"8a. The Judges of the Superior Courts of Law, and Equity, shall in all appeals, motions in term, re-hearings or hearings in the nature of appeals, have the same power to receive further evidence upon questions of fact as is conferred on the Judges of the Court of Appeal by section twenty-two of chapter thirty-eight of the Revised Statutes of Ontario" 30

Depositions  
taken in short-  
hand may be  
taken down by  
question and  
answer and  
need not be  
read over or  
signed.

8. The Revised Statute respecting the Procedure of the Superior Courts of Common Law and of the County Courts, chapter fifty, is hereby amended by inserting after section one hundred and sixty-six, the following:— 35

"166a. Notwithstanding anything in this Act contained, where an examination in a cause or proceeding in any court is taken by the examiner, or any other duly authorized person, in shorthand, the examination may be taken down by question and answer; and in such case it shall not be necessary for the depositions to be read over to, or signed by, the person examined, unless the judge so directs where the examination is taken before a judge, or in other cases unless any of the parties so desires." 40 45

Certified copy  
to have effect  
of original  
depositions.

"166b. A copy of the depositions so taken, certified by the person taking the same as correct, shall for all purposes have the same effect as the original depositions in ordinary cases."

9. The said Statute respecting the Procedure of the Superior Courts of Common Law and of the County Courts is hereby 50



further amended by inserting after section one hundred and seventy the following :—

- 5 "170a. If any person fails, without sufficient excuse, to comply with an order for examination, discovery, or inspection, he shall, if a plaintiff, be liable to have his action dismissed for want of prosecution, and, if a defendant, to have his defence struck out, and to be placed in the same position as if he had not defended, and the Court or a Judge may make an order accordingly.
- 10 "170b. The preceding sections as to preliminary examination of parties, and discovery and inspection of documents, shall, so far as practicable, apply to parties residing out of Ontario, and in such cases the court may order the examination of the parties to be taken at such place and in such manner as may seem just and convenient, and service of the order for 15 examination, discovery, or inspection, and of all other papers necessary to obtain the benefit of the provisions of the said section, shall be sufficient if made on the attorney or solicitor of the party in the suit, in the same manner as other papers in the suit are served on the attorney or solicitor therein, unless 20 the court or judge make other order to the contrary; and if there is no such attorney or solicitor, or he cannot for any reason be served, the court or judge may order the service in any other manner to be mentioned in the order in that behalf.
- 25 **10.** The Revised Statute for the Protection of Justices of the Peace and other Officers from Vexatious Actions, chapter seventy-three, section four, is hereby amended by inserting after the word "action," in the first line of the said section, the words, "as mentioned in this Act;" and by striking out the word "such" in the second line, and substituting the word 30 "a," and the said section as amended shall be deemed to have been in force on and from the first day of January last.
- 11.** The Revised Statute respecting the Administration of Justice in the vicinity of Niagara Falls, chapter ninety-one, is hereby amended by striking out section eleven of the said Act, 35 and the said Act shall be read as if the said amendment had been made on the first day of January last.
- 12.** The Revised Statute respecting Mortgages and Sales of Personal Property, chapter one hundred and nineteen, is hereby 40 amended by inserting the following after section six of the said Act :—
- 6a. The affidavit of *bona fides* required by the two preceding sections may be made by one of two or more bargainees or mortgagees; and no sale or mortgage heretofore made shall be 45 invalidated by reason of such affidavit being made by one only of several bargainees or mortgagees.
- (2.) The said statute respecting Mortgages or Sales of Personal Property, is further amended by striking out the words "for taking," in the second and third lines of section 50 twenty-four, and substituting the words, "or other person in or out of the Province authorized to take."

Penalty for non-compliance with order for examination, discovery or inspection.

Law as to examination, discovery and inspection to apply to parties residing out of Ontario.

Revised Stat. c. 73, s. 4, amended.

Revised Stat. c. 91, s. 11, repealed.

Revised Stat. c. 119, amended.

Affidavit of *bona fides* may be made by one of two or more bargainees or mortgagees.

Revised Stat. c. 119, s. 24, amended.



Amendments  
to be deemed  
in force on 1st  
January, 1878.

(3.) The said amendments to the said statute respecting Mortgages and Sales of Personal Property shall be deemed to have been in force on and from the first day of January last.

Revised Stat.  
c. 129, s. 13,  
repealed.

**13.** The Revised Statute respecting Assurances on the lives of Husbands and Parents for the benefit of their Wives and Children, chapter one hundred and twenty-nine, section thirteen, is hereby repealed and the following substituted therefor: 5

Power to  
borrow on  
policy in order  
to keep same  
in force.

"The person insured may, from time to time, borrow from the company insuring or from any other company or person on the security of the policy, such sums as may be necessary to keep the said policy in force, and the sums so borrowed, together with such lawful interest thereon as may be agreed, shall be a first lien on the policy and on all moneys payable thereunder notwithstanding any such direction in favour of the wife and children or any or either of them." 10 15

Revised Stat.,  
c. 143,  
amended.

**14.** The Revised Statute respecting the study of Anatomy, chapter one hundred and forty-three is hereby amended by repealing sections three, four and five of the said Statute; and the same are hereby repealed and, the following substituted as section three:— 20

"3. The Lieutenant-Governor may appoint during pleasure, a person, not being a medical practitioner, nor connected with any public or private school of medicine, to be Inspector of Anatomy for such part of the Province or for such City, Town or other locality therein as may be named in the appointment." 25

Revised Stat.,  
c. 150,  
amended.

**15.** The Revised Statute respecting the Incorporation of Joint Stock Companies by Letters Patent, chapter one hundred and fifty, is amended by inserting therein the following:—

Joint Stock  
Companies  
may issue pre-  
ferential  
stock.

**17a.** The directors of any company which has been heretofore incorporated or shall be hereafter incorporated under "The Ontario Joint Stock Companies' Letters Patent Act," or "The Ontario Joint Stock Companies' Letters Patent Act 1874," may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority, as respects dividends and otherwise, over ordinary stock, as may be declared by such by-law. 30 35

(2) Such by-law may provide that the holders of such preference shares shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient. 40

(3) No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by the vote of the shareholders, present in person or by proxy at a general meeting of the company, duly called for considering the same, or unanimously sanctioned in writing by the shareholders of such company. 45

(4) All the provisions of The Ontario Joint Stock Letters Patent Act not inconsistent with this Act shall apply to com- 50

panies who may create and issue preferential stock hereunder, and holders of such stock shall be shareholders within the meaning of the said Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of the said Act, provided, however, that in respect of dividends and otherwise they shall, as against the original or ordinary shareholders, be entitled to the preference given by any by-law as aforesaid.

(5) Nothing in this section shall affect or impair the rights of creditors of any company.

**16.** The Revised Statute respecting Mutual Fire Insurance Companies, chapter one hundred and sixty-one, section seventy-five, is hereby amended by striking out the words "this Act," in the last line of the said section and substituting the following:

Revised Stat.  
c. 161, s. 75,  
amended.

**15** "The Acts respecting Mutual Fire Insurance Companies in force before the said twenty-ninth day of March, one thousand eight hundred and seventy-three," and the said section as amended shall be deemed to have been in force on and from the first day of January last.

Insurance  
Companies.

**20** **17.** The Revised Statute respecting Railways, chapter one hundred and sixty-five, is hereby amended by adding the following sub-sections eleven and twelve to section thirty-six; and the same shall apply to all railway companies mentioned in section four of the said Act:

Revised Stat.  
c. 165,  
amended.

**25** **18.** The eleventh section of the Revised Statute respecting Benevolent, Provident and other Societies, chapter one hundred and sixty-seven, is hereby repealed, and the following substituted therefor:

Revised Stat.  
c. 167, s. 11,  
amended.

**30** 11. When under the rules of a society any money becomes payable to, or for the use or benefit of, a member thereof, such money shall be free from all claims by the creditors of such member; and when, on the death of any member of a society, any sum of money becomes payable under the rules of the society, the same shall be paid by the treasurer or other officer of the society to the person or persons entitled under the rules thereof, or shall be applied by the society as may be provided by such rules; and such money shall be, to the extent of two thousand dollars, free from all claims by the personal representative or creditors of the deceased; and in case any sum is paid in good faith to the person who appears to the treasurer or other officer to be entitled to receive the same, or is applied in good faith for the purposes by the rules provided, no action shall be brought against such treasurer or other officer or the society in respect thereof; but nevertheless if it subsequently appears that such money has been paid to the wrong person, the person entitled thereto may recover the amount with interest from the person who has wrongfully received it.

**50** **19.** The Revised Statute respecting Municipal Elections, chapter one hundred and seventy-four, section one hundred and forty-two, is hereby amended by striking out the word

Revised Stat.  
c. 174, s. 142,  
amended.

“making,” in the second line of the said section, and substituting the word “marking.”

Public Schools  
Act s. 161,  
amended.

**20.** The Revised Statute respecting Public Schools, chapter two hundred and four, is hereby amended by adding the following sub-section to section 29 :—

5

New sub-section  
thereto.

(2) In the case of a school section in any unorganised township, or in any municipality composed of one or more townships, but without county organization, any person therein whose place of residence is at a distance of more than three miles in a direct line from the site of the school-house of such section, shall be exempt from all rates for school purposes, *unless any child of such ratepayer should attend such school.*

**21.** The said statute respecting Public Schools is hereby further amended by adding the following sub-sections to section 161, namely :—

15

Teacher entitled to holidays and vacations.

“(4) Every teacher of a Public School shall be entitled to be paid his salary for the authorized holidays occurring during the period of his engagement with the trustees, and also for the vacations which follow immediately on the expiration of the school term during which he has served, or the term of his agreement with such trustees.”

20

Case of sickness.

Four weeks  
allowed.

“(5) In case of sickness, certified by a medical man, *such teacher* shall be entitled to his salary, during such sickness for a period at the rate of not exceeding four weeks for the entire year; which period may be increased at the pleasure of the trustees.”

25

Additional  
school.

**22.** The said statute respecting Public Schools is hereby further amended by adding to section one hundred and twenty the following: “But this shall not apply to the case of an “additional school, which is provided for under section one hundred and three of this Act.”

30

Revised Stat.  
c. 220, s. 52,  
repealed.

**23.** The Revised Statute respecting Lunatic Asylums and the Custody of Insane Persons, chapter two hundred and twenty, is hereby amended by striking out section fifty-two of the said Act.

35





BILL.

An Act to make certain amendments in the  
Revised Statutes.

*(Reprinted as Amended.)*

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First Reading,	19th February,	1878.
Second "	27th "	1878.

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Hon. Atty.-Genl. MOWAT.

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TORONTO :

PRINTED BY HUNTER, ROSE & Co.

## An Act respecting Union School Sections.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In the case of any union school section which, prior to the  
 5 second day of March, in the year of our Lord one thousand  
 eight hundred and seventy-seven, was not legally formed, but  
 which, under the provisions of the amended School Act, passed  
 in the session of the year one thousand eight hundred and  
 seventy-seven, has been made legal, any expenditure incurred  
 10 in the erection of a school-house by any of the school sections  
 within such union, under its own authority, may be reimbursed  
 by the union school section so legalized, and any agreement be-  
 tween the majority of the assessed freeholders and householders  
 in such school section and the trustees of such union, shall be  
 15 legal and binding; and in case no such agreement can be  
 arrived at, then the amount of such expenditure shall be deter-  
 mined by the award of competent persons, one of whom, not  
 being a member of the municipal council, shall be appointed  
 by each of the respective councils of the municipalities con-  
 20 cerned, and such persons with the inspector, or inspectors,  
 having jurisdiction in the respective municipalities, or the  
 majority of them, shall determine the amount which such union  
 school section is liable to pay for such expenditure.
 

Expenditures  
for school  
houses by  
illegally  
formed  
school sections  
how re-  
imbursed.
2. In case the persons so nominated would be an even num-  
 25 ber, the senior County Court Judge shall be added.
 

When county  
judge to act  
as one of the  
arbitrators.
3. Any amount agreed upon or awarded as aforesaid, may be  
 levied as part of the expenditures of the union school section  
 for the current year, or may be levied proportionably during  
 several years, not exceeding ten, or according to the tenor of any  
 30 debentures issued for such expenditure, which if still outstand-  
 ing are to be assumed and paid by the union school section.
 

How amount  
awarded to be  
levied.
4. Any school-house for which such expenditure has been  
 incurred, shall become the property of the Union School Cor-  
 poration, subject to re-imbursement or payment as aforesaid.
 

School house  
to be the pro-  
perty of the  
union school  
corporation.

---

3rd Session, 3rd Parliament, 41 Vic. 1878.

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BILL.

An Act respecting Union School Sections.

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First Reading, 19th February, 1878.

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Hon. Mr. CROOKS.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

## An Act respecting Union School Sections.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In the case of any union school section which, prior to the 5 second day of March, in the year of our Lord one thousand eight hundred and seventy-seven, was not legally formed, but which, under the provisions of the amended School Act, passed in the session of the year one thousand eight hundred and seventy-seven, has been made legal, any expenditure incurred 10 in the erection of a school-house by any of the school sections within such union, under its own authority, *shall* be reimbursed by the union school section so legalized, and any agreement between the majority of the assessed freeholders and householders in such school section and the trustees of such union, shall be 15 legal and binding; and in case no such agreement can be arrived at, then the amount of such expenditure shall be determined by the award of competent persons, one of whom, not being a member of the municipal council, shall be appointed by each of the respective councils of the municipalities concerned, and such persons with the inspector, or inspectors, 20 having jurisdiction in the respective municipalities, or the majority of them, shall determine the amount which such union school section is liable to pay for such expenditure.

Expenditures for school houses by illegally formed school sections how re-imbursed.

2. In case the persons so nominated would be an even number, the senior County Court Judge shall be added. 25

When county judge to act as one of the arbitrators.

3. Any amount agreed upon or awarded as aforesaid, may be levied as part of the expenditures of the union school section for the current year, or may be levied proportionably during several years, not exceeding ten, or according to the tenor of any 30 debentures issued for such expenditure, which if still outstanding are to be assumed and paid by the union school section.

How amount awarded to be levied.

4. Any school-house for which such expenditure has been incurred, shall become the property of the Union School Corporation, subject to re-inbursement or payment as aforesaid.

School house to be the property of the union school corporation.

5. Any ratepayer who has heretofore paid his school taxes in respect of either section, or of the union school section, shall be deemed to be validly discharged from such taxes. 35

When rate-payers discharged from further payment of taxes.



BILL.

An Act respecting Union School Sections.

*(Reprinted as Amended.)*

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First Reading,	19th February,	1878.
Second    "	26th       "	1878.

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Hon. Mr. Crooks.

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TORONTO;  
PRINTED BY HUNTER, ROSE & Co.

## An Act to amend the Railway Act of Ontario.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Council of the Municipal Corporation of every county, 5 city, town, township or incorporated village shall have power, within its jurisdiction, to open, make, widen, alter, divert, stop up or carry any road or street across any railway, and to pass by-laws for such purpose, subject to the provisions of the Municipal Act. Municipal corporations may carry roads across railways.
- 10 2. The powers given by the preceding section shall extend to cases where, by extension hereafter of the limits of the municipality, the railway to be crossed comes within such limits as well as to cases where the railway now is within the limits. Extension of municipal limits.

No. 106.

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3rd Session, 3rd Parliament, 41 Vic. 1878.

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BILL.

An Act to amend the Railway Act of Ontario.

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First Reading, 21st February, 1878.

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Mr. WILSON.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting Mutual Life Insurance Companies  
heretofore doing business in Ontario.

**W**HEREAS the right of every citizen of this Province to insure his life with such Company or corporation as he may prefer, and upon such terms, and for such amount, as he and the said Company or corporation may stipulate for in their contract, is a personal and private right, which ought not to be impaired, or destroyed by any undue legislative interference: And whereas certain Companies doing business in this Province, as Mutual Life Companies, under license from the Dominion Government, are about to cease the prosecution of their business in consequence of their inability, without violating their charters, to comply with certain conditions imposed upon them by an Act of the Dominion Parliament of last session: And whereas many citizens of this Province have insured their lives in, and have become members and co-partners of the said Companies, and must suffer loss from the discontinuance by the said Companies of their business in Ontario: And whereas it is computed that not less than six millions of dollars are now at risk in Ontario under contracts with the said Mutual life Companies, and it is expedient to grant such relief in the premises as may be within the competence of the Legislature of Ontario:—

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** Every Life Insurance company organized, and insuring on the mutual principle exclusively, which was doing business in this Province under license from the Dominion Government on the twenty-seventh day of April, in the year of Our Lord one thousand eight hundred and seventy-seven, may apply for and obtain a license from the Provincial Treasurer to carry on business in Ontario under chapter one hundred and sixty of the Revised Statutes.

Certain mutual life insurance companies may be licensed by Provincial Treasurer.

**2.** It shall not be necessary for any such Company to make a deposit of money, or securities with the Provincial Treasurer, unless and until the deposit in the hands of the Receiver-General of the Dominion is withdrawn, or is reduced in value to an amount less than fifty thousand dollars.

Deposits with Provincial Treasurer:

**3.** Sections four, eleven, twelve, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-three, twenty-five, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, of chapter one hundred and sixty of the Revised Statutes, shall apply, as far as practicable to every Mutual Life Insurance Company obtaining a license under this Act.

Certain sections of R. S. 160 to apply to this Act.



Withdrawal  
of deposit by  
companies.

4. In case any such Company withdraw its deposit from the Receiver-General, or permits the same to be reduced in value to an amount less than fifty-thousand dollars, the license granted by the Provincial Treasurer shall thereupon cease and become void, and shall not be renewed or re-issued unless and until securities to the value of twenty-five thousand dollars have been deposited with the Provincial Treasurer by the said Company. 5

Certain sec-  
tions of R. S.  
160 to apply  
after deposit  
with Provin-  
cial Treasurer.

5. From and after such deposit with the Provincial Treasurer, which may be made in securities of the Dominion of Canada, or of any of the Provinces of Canada, or of the United States of America, sections five, six, ten, twenty-one, twenty-two and twenty-four, of chapter one hundred and sixty, of the Revised Statutes, shall apply as far as practicable, to the said Company. 15

R. S. 160 s. 6  
amended.

6. Section six of the said chapter one hundred and sixty, is hereby amended by inserting the words "in Ontario," after the word "Company" in the fifth line thereof.

## BILL.

An Act respecting Mutual Life Insurance  
Companies heretofore doing business in  
Ontario.

First Reading, 21st February, 1878.

Hon. Mr. McDougall.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the investment of Public Money  
in Debentures issued for the construction of Tile  
drains in Township Municipalities.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :

1. This Act shall be cited as "The Ontario Tile Drainage Short title.  
5 Act."
2. The Council of any Township Municipality may pass by- Councils may  
borrow. laws for borrowing for the purposes hereinafter mentioned, a sum of not less than five thousand dollars, nor exceeding fifteen thousand dollars, and for issuing therefor the debentures of the  
10 Municipality in sums of one hundred dollars each, payable within twenty years from the date of the issue, and bearing interest at the rate of five per centum per annum, and it shall not be necessary to submit such by-law to a vote of the electors of the Municipality before the passing thereof.
- 15 3. The debentures issued under any such by-law may be issued Issuing and  
sales of de-  
bentures  
under by-law and sold by the Municipality from time to time, as the Municipal Council thereof may require money for the purpose only of lending the same for tile drainage, as hereinafter provided.
4. Said debentures shall have coupons attached, and each of Coupons.  
20 such coupons shall be for the sum of eight dollars, being as nearly as may be the sum required to meet the annual interest of the debenture, and the annual sinking fund, necessary for the repayment of the debentures at the expiration of twenty years.
- 25 5. Such by-law may be in the form of Schedule "A." to this Form of by-  
law. Act, and shall be promulgated as provided by the Municipal Institutions Act, Revised Statute cap. 174, Sections 319 and 320.
6. The Council of any Township Municipality, proposing to borrow money under the provisions of this Act may, after the  
30 expiration of the time limited for serving notice of intention to make application to quash the by-law, as provided by the Municipal Institutions Act, Revised Statutes, cap. 174, sec. 321, deposit with the Commissioner of Agriculture a copy of the by-law, with affidavits of the Reeve, and Clerk of the Municipality  
35 in the form Schedules B. and C. to this Act, and may at any time thereafter apply for the sale of the debentures authorized thereby for such sums as hereinafter provided : such application to be in writing and sealed with the seal of the Municipality and signed Application  
for sale of de-  
bentures.

by the Reeve thereof, and shall specify the names of the parties to whom the money is to be loaned.

**7.** The Commissioner of Agriculture shall investigate and report to the Lieutenant-Governor in Council as to the propriety of the investments proposed in such applications in the order of time in which they are deposited, and such reports shall be disposed of by the Lieutenant-Governor in Council, in the order of time in which the same are made. 5

**8.** Any person assessed as owner of land in the Municipality, wishing to borrow money for the purpose of tile draining the said land, may make application to the Council of the Municipality in the form of Schedule "D" to this Act. 10

**9.** On such application the Council may issue debentures for such amount within the sum authorized by this Act, as they may deem expedient and proper, but not exceeding the sum or 15 sums applied for.

**10.** *The Lieutenant-Governor in Council may from time to time, in his discretion invest any surplus of the Consolidated Revenue Fund, not exceeding in the whole at any one time the sum of two hundred thousand dollars in the purchase of any debentures issued under by-laws deposited as aforesaid, in respect of which the Commissioner of Agriculture shall certify to the propriety of investment.* 20

**11.** After any such investment has been made, the debentures shall not be questioned and shall be deemed to be valid to all intents and purposes. 25

**12.** The Council shall lend the money so borrowed for the purpose of tile drainage only for the same term of twenty years, in sums of one or more hundreds of dollars (no fractional part of a hundred dollars to be loaned), and to persons who are assessed as owners as aforesaid. 30

**13.** The Council borrowing money under this Act shall employ a competent person as Inspector of tile drainage, whose services and expenses shall be charged ratably upon the works carried on under his inspection, and shall be paid by the Council out of the money borrowed. 35

**14.** The Inspector shall, on the completion of any drainage works under his charge, report to the Council the number of rods of drain constructed on each lot or parcel of land, the cost per rod, and such other particulars as may be required by the Council; report shall be entered in a book to be provided by the Council for that purpose. 40

**15.** The Council shall impose, levy and collect for the term of twenty years, a special annual rate of eight dollars on each one hundred dollars loaned over and above all other rates upon the land in respect of which the money is loaned. 45

**16.** Every Municipal Council borrowing money under this Act, shall on or before the fifteenth day of January in each year, make a return to the Lieutenant-Governor in Council, 50



for the purpose of being laid before Parliament, shewing the amount of money expended in tile drainage, the number of rods of tile drainage constructed, the names of the persons borrowing and the property upon which the money has been loaned, during the year next preceding the date of each return.

17. The amount payable in any year under any such by-law or debentures, for principal and interest, shall be remitted by the Treasurer of the Township to the Treasurer of Ontario within one month after the same shall have become payable, together with interest at the rate of seven per centum per annum during the time of default in payment.

Township  
Treasurer to  
remit to  
Treasurer of  
Ontario.

2. In case of the continuance of such default, the Council of the Municipality shall, in the next ensuing year, (or as the case may require) assess and levy on the whole ratable property within the Municipality in the same manner in which taxes are levied for the general purposes of the Municipality, a sufficient sum to enable the Treasurer, over and above the other valid debts of the corporation falling due within the year, to pay over to the Treasurer of Ontario the amount in arrear together with the interest thereon at the rate of seven per centum per annum, during the time of default in payment whether the same have been previously recovered from the parties or lands chargeable with the same or not.

On default  
council to  
collect as a  
tax.

3. The amount so in arrear and interest shall be the first charge upon all the funds of the Municipality, for whatever purpose or under whatever by-law they may have been raised; and no Treasurer or other officer of the Municipality shall, after default, pay any sum whatsoever, except for the ordinary current disbursements and salaries of clerks and other employees of such Municipality, or debts due to the Government of Ontario having priority by virtue of any statute, out of any funds of the Municipality in his hands, until the sum in arrear and interest shall have been paid to the Treasurer of Ontario.

Arrears made  
a first charge  
on township  
funds; and no  
officer to pay  
out township  
funds except  
salaries, &c.

4. If any such Treasurer or municipal officer shall pay any sum out of the funds of his Municipality, except as aforesaid, contrary to the provisions hereinbefore named, he shall be liable to the Treasurer of Ontario for every sum so paid as for money received by him for the Crown, and he shall in addition thereto incur a penalty of five hundred dollars to be recovered with full costs of suit by any person who will sue for the same by action of debt or information in any of Her Majesty's Courts in this Province having jurisdiction, and in default of payment of the amount which the offender is condemned to pay within the period to be fixed by such court, such offender shall be imprisoned in the common gaol of the county until he has paid the amount which he has been condemned to pay and the costs.

Penalty on  
officers paying  
out funds  
when town-  
ship in default

5. Any Reeve or Councillor wilfully or neglectfully omitting to see the foregoing provisions carried into effect, shall also be personally and individually liable to the Treasurer of Ontario for the full amount so in arrears and interest, to be recovered with costs by the said Treasurer of Ontario, in any suit as for money had and received for Her Majesty's behalf. Provided always that no assessment, levy, or payment made under this section shall in any wise exonerate the persons or lands chargeable from liability to the Municipality.

Penalty on  
Reeve or  
Councillor.

19. Affidavits under this Act may be sworn before a Justice of the Peace, or before a Commissioner for taking affidavits in the Courts of this Province.

Affidavits,  
before whom  
sworn.



## SCHEDULE "A."

## FORM OF BY-LAW.

*A By-law to raise the sum of                      dollars to aid in the construction of tile drains.*

The Municipality of the Township of                      , pursuant to the provisions of an Act of the Legislature of Ontario, passed in the forty-first year of Her Majesty's reign, chaptered                      , enacts as follows :

1. That the Reeve of the said Township may from time to time, subject to the provisions of this by-law, borrow on the credit of the corporation of the said Municipality such sums of money not exceeding in the whole                      dollars, as may be decided by the said Council, and may in manner herein-after provided, issue debentures of the said corporation in sums of one hundred dollars each for the amount so borrowed; the said debentures to have coupons attached as provided in the fourth section of the said Act.

2. That when the Council shall be of opinion that the application of any person or persons who may be assessed as owners of land in the said municipality, to borrow money for the purpose of constructing tile drains should be granted in whole or in part, then the said Council may, by resolution, instruct the said Reeve to issue debentures as aforesaid, and borrow such sum of money as does not exceed the amount applied for, and may loan the same to the said applicant on the completion of said drainage works.

3. A special annual rate shall be imposed, levied, and collected over and above all other rates upon the land in respect of which the said money shall be borrowed, sufficient for the payment of the interest and sinking fund, as provided in the said Act.

## SCHEDULE "B."

(Section 6.)

*Affidavit of Reeve or other Head Officer.*

County of	}	I,		of the
TO WIT:			of	
in the County of			and Province of Ontario,	
(Reeve) of the Township of				make oath and
say:—				

1st. I have not been served with any notice of intention to make application to quash a certain by-law passed on the                      day of                      in the year of our                      Lord                      by the Municipal Council of the said Township of                      No.                      entitled (*give title of by-law*), nor have I been served with any notice of intention to make application to quash any part of said by-law, nor with any notice to that or the like effect.

Sworn, &c.

## SCHEDULE "C."

(Section 6.)

*Affidavit of Clerk of Municipality.*

County of \_\_\_\_\_ } I \_\_\_\_\_ of \_\_\_\_\_  
 TO WIT: }  
 in the County of \_\_\_\_\_ and Province of Ontario,  
 Clerk of the said Township of \_\_\_\_\_ make  
 oath and say:—

1. On the \_\_\_\_\_ day of \_\_\_\_\_ the  
 in the year of our Lord \_\_\_\_\_ the  
 municipal council of the said Township of \_\_\_\_\_  
 passed a by-law in regard to the borrowing of money to be lent  
 for the construction of tile drains, being No. \_\_\_\_\_  
 and entitled (*st de title of by-law*), a true copy of which by-law  
 duly certified by me is now shown to me and is marked "A."

2. Before the said \_\_\_\_\_ day of \_\_\_\_\_  
 a notice setting forth the object of the  
 said by-law, and stating that any one intending to apply to  
 have such by-law or any part thereof quashed, must within  
 ten days after the passing thereof serve a notice in writing  
 upon the reeve or other head officer of the municipality, and  
 upon the clerk of the municipality, of his intention to make  
 application for that purpose to one of Her Majesty's superior  
 courts of law at Toronto, during the term next ensuing the  
 final passing of the by-law, was published on (*insert here the*  
*days of publication*), in the (*insert name of newspaper*), news-  
 paper published at \_\_\_\_\_ in the Township of (*or the town*  
*of* \_\_\_\_\_ *as the case may be*), there being no newspaper  
 published in the the said Township of \_\_\_\_\_ a copy of  
 which newspaper containing the said notice is now shewn to  
 me, marked "B."

3. I have not been served with any notice of intention to  
 application to quash the said by-law, nor with any notice of  
 intention to make application to quash any part thereof, nor  
 with any notice to that or the like effect.

Sworn, &c.

## SCHEDULE D.

To the Municipal Council of \_\_\_\_\_

I, A. B, owner of (if part state what part), lot No. \_\_\_\_\_ in  
 Concession of the Township of \_\_\_\_\_ hereby apply for a  
 loan of \$ \_\_\_\_\_ to assist in the construction of \_\_\_\_\_ rods of  
 tile drains proposed depth of drain \_\_\_\_\_ inches proposed  
 size of tile \_\_\_\_\_ inch.

(Signed) A. B.

BILL.

An Act respecting the investment of Public Money in Debentures issued for the construction of Tile Drains in Township Municipalities.

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First Reading, 21st February, 1878.

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Hon. Mr. Wood.

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TORONTO:

PRINTED BY HUNTER ROSE & CO.

An Act respecting the investment of Public Money  
in Debentures issued for the construction of Tile  
drains in Township Municipalities.

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

1. This Act shall be cited as "The Ontario Tile Drainage Short title.  
51 Act."

2. The Council of any Township Municipality may pass by- Councils may  
laws for borrowing for the purposes hereinafter mentioned, a borrow.  
sum of not less than *two* thousand dollars, nor exceeding *ten*  
thousand dollars, and for issuing therefor the debentures of the  
10 Municipality in sums of one hundred dollars each, payable  
within twenty years from the *first day of August in the year*  
*in which the money is borrowed from the Municipality as is*  
*hereinafter provided*, and bearing interest at the rate of five  
per centum per annum, and it shall not be necessary to submit  
15 such by-law to a vote of the electors of the Municipality before  
the passing thereof: ~~But~~ But no such by-law shall be valid un-  
less the same is passed at a meeting of the Council specially  
called for the purpose of considering the same, and not less  
than four weeks after a notice of the day appointed for  
20 such meeting has been published in some newspaper issued  
weekly, or oftener, within the township, or, if there is no such  
public newspaper, then in a public newspaper published nearest  
to the township, or in the county town; which said notice shall  
be to the effect of Schedule F to this Act. ~~But~~

25 3. The debentures issued under any such by-law may be issued  
and sold by the Municipality from time to time, as the Muni-  
cipal Council thereof may require money for the purpose only  
of lending the same for tile drainage, as hereinafter provided. Issuing and  
sales of de-  
bentures  
under by-law

4. Said debentures shall be made payable to the Treasurer of Coupons.  
30 Ontario, or order (in the Form of Schedule E), and shall have  
coupons attached, and each of such coupons shall be for the sum  
of eight dollars, being as nearly as may be, the sum required to  
meet the annual interest of the debenture, and the annual sinking  
fund, necessary for the repayment of the debentures at the expira-  
35 tion of twenty years.

5. Such by-law may be in the form of Schedule "A." to this Form of by-  
Act, and shall be promulgated as provided by the Municipal In- law.  
stitutions Act, Revised Statute cap. 174, Sections 319 and 320.



Application  
for sale of de-  
bentures.

6. The Council of any Township Municipality, proposing to borrow money under the provisions of this Act may, after the expiration of the time limited for serving notice of intention to make application to quash the by-law, as provided by the Municipal Institutions Act, Revised Statutes, cap. 174, sec. 321, deposit with the Commissioner of Agriculture a copy of the by-law, with affidavits of the Reeve, and Clerk of the Municipality in the form Schedules B. and C. to this Act, and may at any time thereafter apply for the sale of the debentures authorized thereby for such sums as hereinafter provided : such application to be in writing and sealed with the seal of the Municipality and signed by the Reeve thereof, and shall specify the names of the parties to whom the money is to be loaned.

Commissioner  
of Agriculture  
to report to;  
Lieutenant-  
Governor in  
Council.

7. The Commissioner of Agriculture shall investigate and report to the Lieutenant-Governor in Council as to the propriety of the investments proposed in such applications in the order of time in which they are deposited, and such reports shall be disposed of by the Lieutenant-Governor in Council, in the order of time in which the same are made.

Application to  
borrow.!

8. Any person assessed as owner of land in the Municipality, wishing to borrow money for the purpose of tile draining the said land, may make application to the Council of the Municipality in the form of Schedule "D" to this Act.

Issuing de-  
bentures on a  
loan.

9. On such application the Council may issue debentures for such amount within the sum authorized by this Act and by by-law of the Municipality, as they may deem expedient and proper, but not exceeding the sum or sums applied for.

Purchase of  
debentures out  
of Con. Rev.  
Fund.

10. *The Lieutenant-Governor in Council may from time to time, in his discretion invest any surplus of the Consolidated Revenue Fund, not exceeding in the whole at any one time the sum of two hundred thousand dollars in the purchase of any debentures issued under by-laws deposited as aforesaid, in respect of which the Commissioner of Agriculture shall have certified to the propriety of investment.*

Debentures  
made un-  
questionable.

11. After any such investment has been made, the debentures shall not be questioned and shall be deemed to be valid to all intents and purposes.

How and to,  
whom loans  
• be made.

12. The Council shall lend the money so borrowed for the purpose of tile drainage only for the same term of twenty years, in sums of one or more hundreds of dollars (no fractional part of a hundred dollars to be loaned), and to persons who are assessed as owners as aforesaid, but no part of the money so borrowed shall be loaned to any member of the Council, but any person having so borrowed any sum or sums from any Municipality shall not thereby and by reason thereof be disqualified from being afterwards elected a member of the Council of such Municipality.

13. *The Council shall not loan to any person borrowing money under this Act a sum which shall require the levying of a greater annual rate for all purposes, exclusive of school rates than three cents in the dollar upon the value of the lot or parcel of land proposed to be tile-drained, in respect of which the money is borrowed, as ascertained by the last revised Assess-*

ment Roll of the Municipality, but in no case shall more than the sum of one thousand dollars be loaned to one person.

14. The Council shall consider the applications in the order they are made, and shall loan the money to the persons whose applications shall have been approved of in the same order.

15. The Council borrowing money under this Act shall employ a competent person as Inspector of tile drainage, whose services and expenses shall be charged ratably upon the works carried on under his inspection, and shall be paid by the Council out of the money borrowed. Inspector, his expenses.

16. The Inspector shall, on the completion of any drainage works under his charge, report to the Council the number of rods of drain constructed on each lot or parcel of land, the cost per rod, and such other particulars as may be required by the Council; report shall be entered in a book to be provided by the Council for that purpose, and the money shall not be advanced by the Council until such report of the due completion of the work has been so made. Inspector's report, contents.

17. The Council shall impose, by by-law (in the Form of Schedule G), levy and collect for the term of twenty years, a special annual rate of eight dollars on each one hundred dollars loaned over and above all other rates upon the land in respect of which the money is loaned; and such rate shall be collected in the same manner as other special rates imposed under the provisions of the Municipal Act. Special annual rates.

18. The owner of any lot or parcel of land in respect of which money had been borrowed for tile drainage under this Act, may at any time obtain the discharge of his indebtedness under this Act, by paying the Treasurer of the Municipality the amount borrowed, less the annual sinking fund levied and collected with interest thereon, at the rate of five per centum per annum, and upon such payment being made to the said Treasurer, he shall forthwith transmit the same to the Treasurer of Ontario, who shall apply the same on account of the payment of the debentures of the Municipality under this Act.

19. Every Municipal Council borrowing money under this Act, shall on or before the fifteenth day of January in each year, make a return to the Lieutenant-Governor in Council, for the purpose of being laid before the Legislative Assembly, shewing the amount of money expended in tile drainage, the number of rods of tile drainage constructed, the names of the persons borrowing and the property upon which the money has been loaned, the names of the persons whose application has been refused, the reason in each case of such refusal, and during the year next preceding the date of such return. Returns to Lieutenant-Governor in Council by Municipal Council.

20. The amount payable in any year under any such by-law or debentures, for principal and interest, shall be remitted by the Treasurer of the Township to the Treasurer of Ontario within one month after the same shall have become payable, together with interest at the rate of seven per centum per annum during the time of default in payment. Township Treasurer to remit to Treasurer of Ontario.

On default  
council to  
collect as a  
tax.

2. In case of the continuance of such default, the Council of the Municipality shall, in the next ensuing year, (or as the case may require) assess and levy on the whole ratable property within the Municipality in the same manner in which taxes are levied for the general purposes of the Municipality, a sufficient sum to enable the Treasurer, over and above the other valid debts of the corporation falling due within the year, to pay over to the Treasurer of Ontario the amount in arrear together with the interest thereon at the rate of seven per centum per annum, during the time of default in payment whether the same have been previously recovered from the parties or lands chargeable with the same or not. 5

Arrears made  
a first charge  
on township  
funds; and no  
officer to pay  
out township  
funds except  
salaries, &c.

3. The amount so in arrear and interest at the said rate of seven per cent, shall, *except as hereinafter provided*, be the first charge upon all the funds of the Municipality, for whatever purpose or under whatever by-law they may have been raised *other than sinking fund*; and no Treasurer or other officer of the Municipality shall, after default, pay any sum whatsoever, except for the ordinary current disbursements and salaries of clerks and other employees of such Municipality, or debts due to the Government of Ontario having priority by virtue of any statute, out of any fund of the Municipality in his hands, until the sum in arrear and interest shall have been paid to the Treasurer of Ontario. 15 20

Penalty on  
officers paying  
out funds  
when town-  
ship in default

4. If any such Treasurer or municipal officer shall pay any sum out of the funds of his Municipality, except as aforesaid, contrary to the provisions hereinbefore named, he shall be liable to the Treasurer of Ontario for every sum so paid as for money received by him for the Crown, and he shall in addition thereto incur a penalty of five hundred dollars to be recovered with full costs of suit by any person who will sue for the same by action of debt or information in any of Her Majesty's Courts in this Province having jurisdiction, and in default of payment of the amount which the offender is condemned to pay within the period to be fixed by such court, such offender shall be imprisoned in the common gaol of the county for the period of twelve months unless he sooner pay the amount which he has been condemned to pay and the costs. 25 30 35

Penalty on  
Reeve or  
Councillor.

5. Any Reeve or Councillor wilfully omitting to see the foregoing provisions carried into effect, shall also be personally and individually liable to the Treasurer of Ontario for the full amount so in arrears and interest, to be recovered with costs by the said Treasurer of Ontario, in any suit as for money had and received for Her Majesty's behalf. Provided always that no assessment, levy, or payment made under this section shall in any wise exonerate the persons or lands chargeable from liability to the Municipality. 40 45

Affidavits,  
before whom  
sworn.

21. Affidavits under this Act may be sworn before a Justice of the Peace, or before a Commissioner for taking affidavits in the Courts of this Province. 50



## SCHEDULE "A."

## FORM OF BY-LAW.

*A By-law to raise the sum of                      dollars to aid in the  
construction of tile drains.*

The Municipality of the Township of                      , pursuant  
to the provisions of an Act of the Legislature of Ontario,  
passed in the forty-first year of Her Majesty's reign, chaptered  
                    , enacts as follows :

1. That the Reeve of the said Township may from time to  
time, subject to the provisions of this by-law, borrow on the  
credit of the corporation of the said Municipality such sums  
of money not exceeding in the whole                      dollars, as  
may be decided by the said Council, and may in manner herein-  
after provided, issue debentures of the said corporation in sums  
of one hundred dollars each for the amount so borrowed;  
the said debentures to have coupons attached as provided  
in the fourth section of the said Act.

2. That when the Council shall be of opinion that the ap-  
plication of any person or persons who may be assessed as  
owners of land in the said municipality, to borrow money for  
the purpose of constructing tile drains should be granted in  
whole or in part, then the said Council may, by resolution, in-  
struct the said Reeve to issue debentures as aforesaid, and  
borrow such sum of money as does not exceed the amount ap-  
plied for, and may loan the same to the said applicant on the  
completion of said drainage works.

3. A special annual rate shall be imposed, levied, and collect-  
ed over and above all other rates upon the land in respect of  
which the said money shall be borrowed, sufficient for the pay-  
ment of the interest and sinking fund, as provided in the said  
Act.

## SCHEDULE "B."

(Section 6.)

*Affidavit of Reeve or other Head Officer.*

County of                      } I,                      of the  
TO WIT:                      } of  
in the County of                      } and Province of Ontario,  
(Reeve) of the Township of                      make oath and  
say :—

1st. I have not been served with any notice of intention to  
make application to quash a certain by-law passed on the  
day of                      in the year of our  
Lord                      by the Municipal Council of the said Town-  
ship of                      No.                      entitled (*give title of  
by-law*), nor have I been served with any notice of intention to  
make application to quash any part of said by-law, nor with  
any notice to that or the like effect.

Sworn, &c.



## SCHEDULE "C."

(Section 6.)

*Affidavit of Clerk of Municipality.*

County of \_\_\_\_\_ I \_\_\_\_\_ of \_\_\_\_\_  
 TO WIT : }  
 in the County of \_\_\_\_\_ and Province of Ontario,  
 Clerk of the said Township of \_\_\_\_\_ make  
 oath and say :—

1. On the \_\_\_\_\_ day of \_\_\_\_\_  
 in the year of our Lord \_\_\_\_\_ the  
 municipal council of the said Township of \_\_\_\_\_  
 passed a by-law in regard to the borrowing of money to be lent  
 for the construction of tile drains, being No. \_\_\_\_\_  
 and entitled (*state title of by-law*), a true copy of which by-law  
 duly certified by me is now shown to me and is marked "A."

2. A notice setting forth the object of the said by-law, and  
 stating that any one intending to apply to have such by-law  
 or any part thereof quashed, must within *twenty* days after  
 the *first publication thereof* serve a notice in writing upon  
 the reeve or other head officer of the municipality, and  
 upon the clerk of the municipality, of his intention to make  
 application for that purpose to one of Her Majesty's superior  
 courts of law at Toronto, during the term next ensuing the  
 final passing of the by-law, was published on (*insert here the*  
*dates of publication*), in the (*insert name of newspaper*), news-  
 paper published at \_\_\_\_\_ in the Township of [or the town or  
 Township of \_\_\_\_\_ (*as the case may be,*) *being the public news-*  
*paper published nearest the said Township of \_\_\_\_\_ or in*  
*the county town in which a newspaper is published*], there be-  
 ing no newspaper published in the said Township of \_\_\_\_\_  
 a copy of which newspaper containing the said notice is now  
 shewn to me, marked "B."

3. I have not been served with any notice of intention to *make*  
 application to quash the said by-law, nor with any notice of  
 intention to make application to quash any part thereof and  
 with any notice to that or the like effect.

Sworn, &amp;c.

## SCHEDULE "D."

To the Municipal Council of

I, A. B, owner of (*if part state what part*), lot No. \_\_\_\_\_ in \_\_\_\_\_  
 Concession of the Township of \_\_\_\_\_ hereby apply for a  
 loan of \$ \_\_\_\_\_ to assist in the construction of \_\_\_\_\_ rods of  
 tile drains \_\_\_\_\_ proposed depth of drain \_\_\_\_\_ inches proposed  
 size of tile \_\_\_\_\_ inch.

(Signed) A. B.

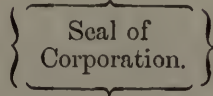
## SCHEDULE "E."

\$100.

Tile Drainage Debenture of the Township of \_\_\_\_\_  
 The Corporation of the Township of \_\_\_\_\_, in the County \_\_\_\_\_

of hereby promises to pay to the Treasurer of the Province of Ontario or order at the Bank of - in the city of Toronto, the sum of one hundred dollars of lawful money of Canada, and interest thereon at five per cent. in twenty equal annual instalments of eight dollars each, the first of such instalments to be paid on the day of A.D., 187 , pursuant to By-law No. , entitled "A By-law to raise the sum of dollars, to aid in the construction of Tile drains.

A. B.,  
Reeve.



C. D.,  
Treasurer.

COUPON for twentieth Annual Instalment of Tile Drainage Debenture No. 1, issued under By-law No. of the Township of . \$8 payable at the Bank of in the city of Toronto on day of A.D. 187 .

A. B.,  
Reeve.

C. D.,  
Treasurer.

COUPON for nineteenth Annual Instalment of Tile Drainage Debenture No. 1, issued under By-law No. of the Township of . \$8 payable at the Bank of in the city of Toronto on day of A.D. 187 .

A. B.,  
Reeve.

C. D.,  
Treasurer.

#### SCHEDULE "F."

##### *Notice of By-law.*

Take notice that a by-law for raising the sum of \$ for Tile Drainage under the provisions of "The Ontario Tile Drainage Act," will be taken into consideration by the Municipal Council of the township of , on the day of , A.D. 18 , at the hour of o'clock in the noon, at which time and place the members of the council are hereby required to attend for the purpose aforesaid.

E. F.,  
Clerk.


#### SCHEDULE G."

##### BY-LAW IMPOSING A RATE.

*By-law imposing a Special Tile Drainage rate upon Lot in the Concession.*

Whereas H. J., the owner of Lot in the Concession of this Township, applied under the provisions of the "Act respecting the investment of public money in debentures issued for the construction of tile drains in Township Municipalities," for a loan to be made to him for the purpose of tile draining the said land: And whereas the Municipal Council has, upon his said application, loaned the said H. J. the sum of one thousand dollars (*or as the case may be*), to be repaid with interest by means of the rate hereinafter imposed

Be it therefore enacted, by the said Municipal Council of the

said Township, that an annual rate of eighty dollars per annum (or as the case may require, namely, \$8 per every \$100 loaned), is hereby imposed upon the said land for a period of twenty years, such rate to be levied and collected at the same time and manner as ordinary taxes are levied and collected, 

## BILL.

An Act respecting the investment of Public Money in Debentures issued for the construction of Tile Drains in Township Municipalities.

*(Reprinted as Amended.)*

First Reading, 21st February, 1878.

Second " 27th " 1878.

Hon. Mr. WOOD.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

## An Act to amend the Ontario Medical Act.

**W**HEREAS, it is expedient that the "Act respecting the Preamble.  
 Profession of Surgery and Medicine," chaptered one  
 hundred and forty-two, in the Revised Statutes of Ontario,  
 and commonly known as the "Ontario Medical Act," be  
 5 amended, and the meaning thereof be made more clear and  
 explicit.

Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows :—

- 10 **1.** The following words shall be added to sub-section two of R. S. c. 142, s.  
 the first part of section six of the Ontario Medical Act after 6 amended.  
 the word "belongs" at the end of the said sub-section :—

"And no School of Medicine shall have more than one of its  
 professors or teachers as a member of the Council: such mem-  
 15 ber being the Representative elected by such school."

- 2.** Section nineteen of the said Act is hereby amended by Sec. 19  
 amended.  
 adding at the end thereof the following words: Provided that  
 the examination which he shall have passed in so graduating  
 or matriculating in Arts, shall be proved to the satisfaction of  
 20 the Council to be equivalent in all respects to the matricula-  
 tion examination of the Council; but nothing herein shall be  
 held to exempt such graduate or matriculant from the payment  
 of the ordinary matriculation fee, as fixed by the Council.

- 3.** Section twenty-three, sub-section three of the said Act is Sec. 23 sub-  
 25 hereby amended by substituting for the words: "the twenty- sec. 3 amended  
 fourth day of March, one thousand eight hundred and seventy-  
 four," in the fifth and sixth lines of the said sub-section the  
 words: "his application for registration."

- 4.** Section twenty-nine of the said Act is hereby amended Sec. 29  
 30 by substituting for the words "teaching bodies" in the third amended.  
 line of the said section the words "School of Medicine in  
 actual operation."

- 5.** Section thirty-five of the said Act is hereby amended by Sec. 35  
 amended.  
 adding thereto, after the word "patients" in the last line of the  
 35 said section, the following words, "and for any professional ser-  
 vices rendered by his order and under his direction to such  
 patients by any assistant, provided that in all cases such assist-  
 ant shall be a student of medicine, duly matriculated according  
 to the regulations of the Council."



Sec. 35  
amended.

6. The following shall be added as sub-section to section thirty-five of the said Ontario Medical Act:—

Limitation of  
actions against  
members of  
College of  
Physicians  
and Surgeons.

1. No duly registered member of the College of Physicians and Surgeons of Ontario shall be liable to any action of damages for "mal-practice," unless such action be commenced within 5 one year from the date when the alleged mal-practice took place.

BILL.

To amend the Ontario Medical Act.

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First Reading, 22nd February, 1878.

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Mr. CLARKE (Norfolk).

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

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No. 110.]

## BILL.

[1878.]

An Act to amend the Law respecting Elections of  
Members of the Legislative Assembly.

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

1. Sub-section "Fourthly" of section seven, chapter ten of R. S. c. 10, s. 7  
5 the Revised Statutes of Ontario, intituled "An Act respecting <sup>amended.</sup>  
Elections of Members of the Legislative Assembly" is hereby  
amended by striking out the words "who do not reside among  
Indians" in the third line of the said sub-section.

BILL.

An Act to amend the Law respecting Elections of Members of the Legislative Assembly.

First Reading, 25th February, 1878.

Mr. DAWSON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

No. 111.]

## BILL.

[1878.

An Act to amend the Act respecting the income and property of the University of Toronto, University College, and Upper Canada College.

**W**HEREAS it is expedient to provide that all appropriations from the Permanent Fund for the support of the University of Toronto, University College and Upper Canada College shall be subject to the approval of the Legislative Assembly of the Province of Ontario ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

- 1.** The eighteenth section of chapter two hundred and eleven of the Revised Statutes of Ontario is hereby amended by adding thereto the following words, that is to say : " Provided however, that every Order in Council directing payment from the said Permanent Fund under this section shall, as soon as conveniently may be, after the making of the same be laid before the Legislative Assembly of the Province of Ontario for its ratification or rejection, and no such order shall be operative unless and until the same has been ratified by a resolution of the Legislative Assembly."

Preamble.

R. S. c. 211, s.  
18 amended.



3rd Session, 3rd Parliament, 41 Vic., 1878.

BILL.

An Act to amend the Act respecting the income and property of the University of Toronto, University College, and Upper Canada College.

First Reading, 25th February, 1878.

Mr. SCOTT.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to amend the License Act, and for other purposes.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. A sum not exceeding \$—— may be set apart out of the Consolidated Revenue of the Province for the re-payment to any brewer or distiller who has paid the duty on a wholesale license or licenses, the amount of such duty and the amount to which such municipality was entitled upon the issue of such license or licenses, under and by virtue of the Act passed in the thirty-seventh year of Her Majesty's reign, chapter thirty-two and interest thereon; and the amount of any fine or fines or penalties imposed and paid, by reason of the neglect of such brewer or distiller to obtain the wholesale license required by section twenty-six of said Act and interest thereon, and on the several sums to be repaid under section three of this Act; and the Treasurer of the Province may, upon such payment by any brewer or distiller being made to appear to his satisfaction, re-pay the sum or sums so paid as aforesaid to the person or persons who paid the same or to his or their executors, administrators or assigns.

Repayment to  
brewers, &c.,  
of duties,  
penalties, &c.

2. Upon the distribution of the license fund thereafter, there shall be paid to the Province, out of the proportion of such license fund payable to any municipality, the amount which such municipality has been paid by any brewer or distiller upon the issue of a wholesale license under said Act, and the amount of any fine or fines received by any municipality and the interest, which may be repaid to such brewers or distillers.

Province to be  
repaid what  
has been paid  
to municipal-  
ities.

3. Where any brewer or distiller, under and by virtue of the Act passed in the thirty-ninth year of Her Majesty's reign, chapter twenty-six, has paid into the license fund of any license district, or to the License Inspector the duty on any wholesale license or licenses, or has paid any fine or fines by reason of the neglect of such brewer or distiller to obtain such wholesale license, and such duty and fines shall not have been paid into the Consolidated Fund, such License Board may re-pay the same to the person or persons who paid the same, or to his or their executors, administrators or assigns, such payment being first approved by the Treasurer of the Province.

License boards  
may repay  
brewers, &c.,  
in certain  
cases.

But nothing in this Act contained shall require repayment to be made to the defendant, in the cause of Regina vs. Severn, heretofore litigated in the Supreme Court of Canada, should the case be appealed to Her Majesty in Council.

Suit of Queen  
and Severn.

This Act not  
to be acquies-  
cence in Queen  
vs. Severn.

4. Nothing herein contained shall be construed as an acquiescence by the Legislature, in the judgement heretofore given in the said cause by the Supreme Court against the authority of this Legislature, to require brewers and distillers to take out a wholesale license in the terms and for the purposes mentioned in the said Act passed in the thirty-seventh year of Her Majesty's reign, chaptered thirty-two, and to pay the duty thereon. 5

S. 109, ch. 181.  
Revised Sta-  
tutes repealed.

5. Section one hundred and nine of chapter one hundred and eighty-one of the Revised Statutes of Ontario is hereby repealed. 10

Expenses of  
provisions of  
ss. 105 to 108  
and of this  
Act, how to  
be borne.

6. All expenses of carrying the provisions of section one hundred and five to one hundred and eight inclusive of said chapter one hundred and eighty-one, and of this Act into effect shall, when the license fund is insufficient for that purpose, be borne and paid in the proportion of one-third by the Province 15 out of the Consolidated Revenue Fund, and two-thirds by the county within which any by-law for prohibiting the sale of liquor under the Temperance Act of 1864, or under chapter one hundred and eighty-two of the Revised Statutes of Ontario is in force, and where the by-law is that of a minor 20 municipality, such minor municipality's share of the entire expenses shall be paid in the same proportion by the Province and the minor municipality respectively.

Proportion  
payable by a  
Municipality,  
how and when  
to be paid.

(2) The proportion of such expenses payable under this section by a county, or by a minor municipality, or by the 25 Province, shall be by them paid into the bank in which the license fund is kept to the credit of the license fund for the city or county or electoral district, as the case may be, and shall become due and payable within one month after an estimate of the amount of the expenses for the license year shall have 30 been made by the Board of License Commissioners for the city, county, or electoral district, as the case may be, and shall have been audited and approved by the Provincial Treasurer, which audit and approval shall be final and conclusive, and after a copy or duplicate of such estimate and approval together with 35 a notice in writing by the Board of License Commissioners, requesting payment of the proportion payable by the municipality shall have been served upon the clerk of the county, or minor municipality.

Payment of  
proportion,  
how enforced.

(3) Payment may be enforced against any county, or 40 minor municipality by the Board of License Commissioners in any Court of law or equity of competent jurisdiction in the name and by the title of "The Board of License Commissioners for the city, county, or electoral district of \_\_\_\_\_," (as the case may be); and it shall not be necessary to mention 45 or include the names of the commissioners in the proceedings; and the said action or proceedings may be carried on in the name of such license board as fully and effectually as though such license board were incorporated under the aforesaid name or title. In the event of the death or resignation of any of the 50 commissioners, or of the expiry of their commission and of the re-appointment of the same, or of the appointment of other commissioners, the proceedings, action, or suit at law or in equity, shall not cease, abate or determine, but shall proceed as though no change had been made in the commission or com- 55 missioners, and in the event of said license board being condemned in costs, the same may be payable out of the License Fund.



(4) This section shall apply to all expenses heretofore incurred under the Acts passed in the thirty-ninth year of the reign of Her Majesty, chapter twenty-six and in the fortieth year of the reign of Her Majesty, chapter eighteen, or under the said Revised Statute, chapter one hundred and eighty-one, and the same may be recovered by the license board hereunder from the municipality liable by virtue of this Act to pay the same; and any notice requesting payment of its proportion heretofore given to any municipality by any Board of License Commissioners, or by the members thereof shall be as effective as though given under this Act.

This section to apply to all expenses under c. 26, 39 Vic., and c. 18, 40 Vic., and Rev. Stat. 181.

7. When the by-law is a county by-law, and the license district in addition to other portions of the county, embraces a city or town withdrawn from the county for municipal purposes wherein the by-law is not in force, the license fund of such city or town withdrawn from the county for municipal purposes shall be kept as a separate license fund for such city or town, and such city or town shall pay a just share of the expenses of such license district, and the same shall be determined by the Board of License Commissioners, and shall after approval by the Treasurer of the Province be paid out of the license fund for such city or town—and in determining such share of expenses the commissioners shall take into account with other circumstances, as far as may be, the proportion of the expenses incurred in said city or town.

The case of a county by-law, and the license district embracing a city or town separate where by-law not in force.

8. On an appeal to the county Judge or general sessions from a conviction or order under the "Liquor License Act," or under chapter one hundred and eighty-two of the Revised Statutes of Ontario, when costs are directed to be paid by either party, no greater costs shall be taxable by or against either party as between party and party than the sum of ten dollars, and the actual and necessary disbursements in procuring the attendance of witnesses and the fees to which the clerk of the peace shall be lawfully entitled.

Costs on appeal from conviction under "Liquor License Act," ch. 181, or ch. 182 Rev. Stats.

9. The seventy-sixth section of the said "Liquor License Act" is hereby repealed and the following section substituted therefor:

Ch. 181 "Liquor License Act," s. 76, amended as to power of justice to award.

76. At any time before judgment, the justice, justices, or police magistrate may amend or alter any information, and may substitute for the offence charged therein, any other offence against the provisions of this Act; but if it appears that the defendant has been prejudiced by such amendment, the said justice, justices, or police magistrate shall thereupon adjourn the hearing of the case to some future day, unless the defendant waives such adjournment.

10. The seventy-seventh section of said Act is hereby amended by inserting the words "or otherwise" after the word "process," in the eleventh line of said section, and by striking out the word "thereby" in the twelfth line of said sub-section.

"Liquor License Act," s. 77 amended.

11. The word "minor municipality," when mentioned herein shall be held to mean any municipality, other than that of a county or union of counties.

"Minor municipality," interpretation of



No. 112.

Third Session, Third Parliament, 41 Vic., 1878.

BILL.

An Act to amend the License Act, and for  
other purposes.

First Reading, 26th February, 1878.

Hon. Mr. HARDY.

TORONTO;

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the License Act, and for other purposes.

**H**ER MAJESTY, by and with the advice and consent of Preamble.  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. A sum not exceeding seven thousand dollars may be set  
5 apart out of the Consolidated Revenue of the Province for the  
re-payment to any brewer or distiller who has paid the duty on  
a wholesale license or licenses, the amount of such duty and the  
amount to which any municipality was entitled upon the  
10 issue of such license or licenses, under and by virtue of the Act  
passed in the thirty-seventh year of Her Majesty's reign,  
chapter thirty-two and interest thereon; and the amount of  
any fine or fines or penalties imposed and paid, by reason of  
the neglect of any brewer or distiller to obtain the wholesale  
license required by section twenty-six of said Act and interest  
15 thereon, and on the several sums to be repaid under section  
three of this Act; and the Treasurer of the Province may, upon  
such payment by any brewer or distiller being made to appear  
to his satisfaction, re-pay the sum or sums so paid as aforesaid  
to the person or persons who paid the same or to his or their  
20 executors, administrators or assigns.

Repayment to  
brewers, &c.,  
of duties,  
penalties, &c.

2. Upon the distribution of the license fund thereafter, there  
shall be paid to the Province, out of the proportion of such  
license fund payable to any municipality, the amount which such  
municipality has been paid by any brewer or distiller upon the  
25 issue of a wholesale license under said Act, and the amount of  
any fine or fines received by any municipality and the interest,  
which may be repaid to such brewers or distillers.

Province to be  
repaid what  
has been paid  
to municipalities.

3. Where any brewer or distiller, under and by virtue of the  
Act passed in the thirty-ninth year of Her Majesty's reign,  
30 chaptered twenty-six, has paid into the license fund of any  
license district, or to the License Inspector the duty on any  
wholesale license or licenses, or has paid any fine or fines by reason  
of the neglect of such brewer or distiller to obtain such  
wholesale license, and such duty and fines shall not have been  
35 paid into the Consolidated Fund, such License Board may  
re-pay the same to the person or persons who paid the same, or  
to his or their executors, administrators or assigns, such payment  
being first approved by the Treasurer of the Province.

Licenseboards  
may repay  
brewers, &c.,  
in certain  
cases.

4. Nothing herein contained shall be construed as an acquiescence  
by the Legislature, in the judgment heretofore  
given in the said cause by the Supreme Court against the authority  
of this Legislature, to require brewers and distillers to  
This Act not  
to be acquies-  
cence in Queen  
vs. Severn.

take out a wholesale license in the terms and for the purposes mentioned in the said Act passed in the thirty-seventh year of Her Majesty's reign, chaptered thirty-two, and to pay the duty thereon.

S. 109, ch. 181.  
Revised Sta-  
tutes repealed.

5. Section one hundred and nine of chapter one hundred and eighty-one of the Revised Statutes of Ontario is hereby repealed.

Expenses of  
provisions of  
ss. 105 to 108  
and of this  
Act, how to  
be borne.

6. All expenses of carrying the provisions of section one hundred and five to one hundred and eight inclusive of said chapter one hundred and eighty-one, and of this Act into effect shall, when the license fund is insufficient for that purpose, be borne 10 and paid in the proportion of one-third by the Province out of the Consolidated Revenue Fund, and two-thirds by the county within which any by-law for prohibiting the sale of liquor under the Temperance Act of 1864, or under chapter one hundred and eighty-two of the Revised Statutes 15 of Ontario is in force, and where the by-law is that of a minor municipality, such minor municipality's share of the entire expenses shall be paid in the same proportion by the Province and the minor municipality respectively, as when the by-law is that of a county. 20

Proportion  
payable by a  
Municipality,  
how and when  
to be paid.

(2) The proportion of such expenses payable under this section by a county, or by a minor municipality, or by the Province, shall be by them paid into the bank in which the license fund is kept to the credit of the license fund for the city or county or electoral district, as the case may be, and shall 25 become due and payable within one month after an estimate of the amount of the expenses for the current license year shall be made by the Board of License Commissioners for the city, county, or electoral district, as the case may be, and shall be approved by the Provincial Treasurer, which approval shall be 30 final and conclusive, and after a copy or duplicate of such estimate and approval together with a notice in writing by the Board of License Commissioners, requesting payment of the proportion payable by the municipality shall be served upon the clerk of the county, or minor municipality; and 35 should any estimate prove insufficient for the payment of the expenses of the license year any deficiency may be provided for in the estimate for the succeeding year; and should any sums remain unexpended in any year, the same may be applied on account of the expenses of the succeeding year. 40

Payment of  
proportion,  
how enforced

(3) Payment may be enforced against any county, or minor municipality by the Board of License Commissioners in any Court of law or equity of competent jurisdiction in the name and by the title of "The Board of License Commissioners for the city, county, or electoral district of \_\_\_\_\_," 45 (as the case may be); and it shall not be necessary to mention or include the names of the commissioners in the proceedings; and the said action or proceedings may be carried on in the name of such license board as fully and effectually as though such license board were incorporated under the aforesaid name 50 or title. In the event of the death or resignation of any of the commissioners, or of the expiry of their commission and of the re-appointment of the same, or of the appointment of other commissioners, the proceedings, action, or suit at law or in equity, shall not cease, abate or determine, but shall proceed as 55 though no change had been made in the commission or commissioners, and in the event of said license board being con-



demned in costs, the same may be payable out of the License Fund.

(4) This section shall apply to all expenses heretofore incurred under the Acts passed in the thirty-ninth year of the reign of Her Majesty, chapter twenty-six and in the fortieth year of the reign of Her Majesty, chapter eighteen, or under the said Revised Statute, chapter one hundred and eighty-one, and the same may be recovered by the license board hereunder from the municipality liable by virtue of this Act to pay the same; and any notice requesting payment of its proportion heretofore given to any municipality by any Board of License Commissioners, or by the members thereof shall be as effective as though given under this Act.

This section to apply to all expenses under c. 26, 39 Vic., and 18, 40 Vic. and Rev. 18

7. When the by-law is a county by-law, and the license district in addition to other portions of the county, embraces a city or town withdrawn from the county for municipal purposes wherein the by-law is not in force, the license fund of such city or town withdrawn from the county for municipal purposes shall be kept as a separate license fund for such city or town, and such city or town shall pay a just share of the expenses of such license district, and the same shall be determined by the Board of License Commissioners, and shall after approval by the Treasurer of the Province be paid out of the license fund for such city or town—and in determining such share of expenses the commissioners shall take into account with other circumstances, as far as may be, the proportion of the expenses incurred in said city or town.

The case of a county by-law and the license district embracing a city or town separate where by-law not in force.

8. On an appeal to the county Judge or general sessions from a conviction or order under the "Liquor License Act," or under chapter one hundred and eighty-two of the Revised Statutes of Ontario, when costs are directed to be paid by either party, no greater costs shall be taxable by or against either party as between party and party than the sum of ten dollars, and the actual and necessary disbursements in procuring the attendance of witnesses and the fees to which the clerk of the peace shall be lawfully entitled.

Cost on appeal from conviction under "Liquor License Act," ch. 181, or ch. 182 Rev. Stats.

9. The seventy-sixth section of the said "Liquor License Act" is hereby repealed and the following section substituted therefor:

76. At any time before judgment, the justice, justices, or police magistrate may amend or alter any information, and may substitute for the offence charged therein, any other offence against the provisions of this Act; but if it appears that the defendant has been prejudiced by such amendment, the said justice, justices, or police magistrate shall thereupon adjourn the hearing of the case to some future day, unless the defendant waives such adjournment.

Ch. 181 "Liquor License Act," s. 76, amended as to power of justice to award.

10. The seventy-seventh section of said Act is hereby amended by inserting the words "or is otherwise made to appear" after the word "process," in the eleventh line of said section, and by striking out the word "thereby" in the twelfth line of said sub-section.

"Liquor License Act," s. 77 amended.

11. The word "minor municipality," when mentioned herein shall be held to mean any municipality, other than that of a county or union of counties.

"Minor municipality," interpretation of



BILL.


An Act to amend the License Act and for  
other purposes.

*(Reprinted as amended.)*

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First Reading,	26th February,	1878.
Second	" 28th	" 1878.

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 Hon. Mr. HARDY.

## An Act respecting Express Companies.

HER MAJESTY, by and with the advice and consent of  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. Any railway company granting any facilities to any  
5 Incorporated Express Company shall grant equal facilities on  
equal terms and conditions to any other Incorporated Express  
Company demanding the same.
2. This Act shall not impair or affect the validity of any  
contract entered into between any Railway Company and any  
10 Incorporated Express Company on or before the twenty-sixth  
day of February, one thousand eight hundred and seventy-  
eight; but all Railway Companies shall be liable to perform  
any duty towards any Incorporated Express Company arising  
out of any such contract made with such Incorporated Express  
15 Company, or any duty towards any other Express Company  
arising under the said law of Ontario as if this Act had not  
been passed, and in any such case the Court before which the  
matter shall come for adjudication, shall determine the rights  
of the parties as if this section had not been passed.

Railway Com-  
panies may  
grant facilities  
to Express  
Companies.

Existing con-  
tracts not af-  
fected.

Third Session, Third Parliament, 41 Vic., 1878.

BILL.

An Act respecting Express Companies.

First Reading, 28th February, 1878.

Mr. DEROCHE.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to prevent the spreading of Black-Knot on Plum Trees.

**H**ER Majesty, by and with the advice and consent of the Preamble.  
Legislative Assembly of the Province of Ontario, enacts  
as follows.

1. It shall be the duty of every occupant of land in the Province of Ontario, to cut out, and immediately burn up, all the black-knot found on plum trees growing thereon, so often in each and every year as it shall appear on such trees; and if any owner, possessor or occupier of land in said Province shall knowingly suffer any black-knot to grow thereon, he shall, upon conviction, be liable to a fine of not less than two dollars, nor more than ten dollars for every such offence.

Black-knot to be destroyed.

Penalty for non destruction.

2. It shall be the duty of every overseer or inspector of highways in any Municipality to see that the provisions of this Act are carried out within their respective highway divisions, by cutting and destroying, or causing to be cut and destroyed, all the black-knot growing on plum trees within their respective divisions, and every such overseer or inspector shall give notice in writing to the owner, possessor or occupier of any land within the said division, whereon black-knot shall be found, requiring him to cause the same to be cut out and burnt within five days from the service of such notice; and in case such owner, possessor or occupier shall refuse or neglect to cut out and destroy the said black-knot within the period aforesaid, the said overseer or inspector of highways shall enter upon the land and cause such black-knot to be cut out and destroyed with as little damage to the plum trees, on which the same shall be found growing, as may be, and the said overseer or inspector shall not be liable to be sued in action of trespass therefor.

Duties and powers of overseers of highways as to destruction.

3. Each overseer or inspector of highways shall keep an accurate account of the expense incurred by him in carrying out the provisions of the preceding sections of this Act, with respect to each parcel of land entered upon therefor; and shall deliver a statement of such expenses, describing by its legal description the land entered upon, and verified by oath, to the owner, possessor or occupier of such resident lands, requiring him to pay the amount: In case such owner, possessor, or occupier of such resident lands shall refuse or neglect to pay the same within twenty days after such application, the said claim shall be presented to the Municipal Council of the Corporation in which such expense was incurred, and the said council is hereby authorized and required to credit and allow

Recovery of expenses by overseer from Council.



such claim, and order the same to be paid by the treasurer of the said municipality : The said overseer or inspector of highways shall also present to the said council a similar statement of the expenses incurred by him in carrying out the provisions of the said section upon any non-resident lands, and the said council is hereby authorized, empowered and required to audit and allow the same in like manner: provided always, that if any owner, occupier, or possessor, amenable under the provisions of this Act, shall deem such expense excessive, an appeal may be had to the said council (if made within twenty days after delivery of such statement), and the said council shall determine the matter in dispute.

Appeal as to expenses.

Recovery of expenses by Council.

4. The Municipal Council of the Corporation shall cause all such sums as have been so paid under the provisions of this Act, to be severally levied on the lands described in the statement of the overseer or inspector of highways, and to be collected in the same manner as other taxes, and the same, when collected, shall be paid into the treasury of the said corporation to reimburse the outlay therefrom aforesaid.

Penalty on overseer for neglect, &c.

5. Every overseer or inspector of highways or other officer who shall refuse or neglect to discharge the duties imposed on him by this Act, shall be liable to a fine of not less than ten dollars nor more than twenty dollars.

Enforcing penalties and application of fines.

6. Every offence against the provisions of this Act shall be punished, and the penalty hereby enforced for each offence shall be recovered and levied on conviction before any Justice of the Peace; and all fines imposed shall be paid into the treasury of the municipality in which conviction takes place.

No. 114.

3rd Session, 3rd Parliament, 41 Vic., 1878.

## BILL.

An Act to prevent the spreading of Black Knot on Plum Trees.

First Reading, 28th February, 1878.

Mr. CREIGHTON.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

## An Act respecting aid to certain Railways.

HER MAJESTY, by and with the advice and consent of Preamble.  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :

1. This Act may be cited and known as "The Railway Aid  
5 Act, 1878."

2. Subject to the conditions of this Act, aid shall be granted Aid to certain  
out of the Consolidated Revenue Fund to the undermentioned railways.  
Railway Companies for the construction of the portions of rail-  
way hereinafter mentioned, that is to say :—

10 (1). The Hamilton and North Western Railway Company  
from Jarvis to Dover, a distance of about ten miles, at the rate  
of one hundred and seventy-three dollars and four cents per  
mile per annum, payable half-yearly, for twenty years.

(2.) The Port Stanley, Strathroy and Port Franks Railway,  
15 from Strathroy to the intersection of its line with the Canada  
Southern Railway, in the Township of Ekfrid, a distance of  
about ten miles, at the rate of one hundred and seventy-three  
dollars and four cents per mile per annum, payable half-yearly  
20 for twenty years.

(3.) The North Simcoe Railway Company from Penetan-  
guishene to its point of junction with the Northern Railway,  
a distance of about thirty-three miles, at the rate of two hun-  
dred and sixteen dollars and thirty cents per mile per annum,  
25 payable half-yearly for twenty years.

3. The payment in aid of Railways under this Act shall be Mode of pay-  
computed in manner following, that is to say : ment of grants

(a.) If the portion of the railway for which payment is made  
has been completed between the first day of January and the  
30 first day of July, the payments shall be computed as commenc-  
ing on the first day of January of the preceding year ;

(b). And if the portion for which the payment is made has  
been completed between the first day of July and the thirty-  
first day of December, the payment shall be computed as com-  
35 mencing on the first day of July of the preceding year.

4. All of the said grants of aid are respectively subject to Conditions of  
the following conditions : grants.

(1.) The Lieutenant-Governor in Council may require any Agreements  
railway company so aided to enter into an agreement or with other Cos.  
to secure to  
40 agreements with any other railway company or companies, them running  
containing such terms and details as the Lieutenant-Governor powers over  
in Council may approve of, in order to secure running powers the line aided.  
or rights of use to such company or companies over the line

or portion of line of railway of the company aided under this Act, or former Acts, or in the discretion of the Lieutenant-Governor in Council, for the haulage thereover of the cars and traffic of such other company or companies, upon such terms as, in default of agreement between the respective companies, may be settled upon by the Lieutenant-Governor in Council. 5

Report of  
Commissioner  
of Public  
Works as to  
completion of  
line aided.

(2.) No payments shall be made to any of the said companies in respect of the said grants of aid for any portion of their Railway, until the Commissioner of Public Works has reported to the Lieutenant-Governor in Council, that such company has completed the portion of its road in respect of which payment is to be made (including such sidings and station-houses as the Commissioner may think necessary for the accommodation of the public) within the period for completing the Railway or portion thereof named in the Acts relating to the company, or by this Act, or such other period as may by this or any other Act be fixed for such purpose. 10 15

Payments as  
portions are  
completed.

(3.) Payments may be made as portions of the Railway, not less than ten continuous miles, are completed as aforesaid; and in cases where the whole distance aided is less than ten miles, then for such distance. 20

Script Certifi-  
cates.

(4.) After a company has complied with the conditions necessary, and the Commissioner has reported as aforesaid, scrip or certificates may be issued for and in respect of the said grant, which scrip or certificates may be in the form of Schedule "A" to this Act, or to the like effect; and when signed by the Treasurer of this Province and the Accountant in his department, and countersigned by the Auditor, every such certificate shall be valid and binding on the Province, according to its tenor and effect; and it shall not be necessary for any transferee, in good faith, of such certificate to enquire into, or obtain proof of, any facts stated therein, all of which shall be deemed conclusive as against the Province, in favour of such transferee. 25 30

Conditions in  
sec. 6, of 39  
V. c. 21, to  
apply.

(5.) The conditions contained in section twenty-six of chapter one hundred and sixty-six of "The Revised Statutes of Ontario," shall apply to all Companies receiving aid under this Act. 35

Statistical  
information.

(6.) Each of the said Companies shall furnish such information of the progress of the works on the Railway of the Company as may from time to time be required by the Commissioner of Public Works; and also such statistical or other details, accounts and information as from time to time may be required from them by the Commissioner after completion of the railway. 40

Rails not to be  
removed with-  
out consent of  
Lieutenant-  
Governor.

(7.) In order to secure the continuous running of such Railways aided by this Act, the iron or steel rails laid from time to time by any of the said Railways are not to be removed by the Company or by the authority of the Company without the consent of the Lieutenant-Governor in Council, obtained on the recommendation of the Commissioner of Public Works. 45

Payments may  
be made as  
portions of  
such Railways  
are completed.

(8.) Payments may be made as portions of such Railways not less than ten continuous miles are completed, and in cases where the whole distance aided is less than ten miles, then for such distance. 50

## SCHEDULE "A."

PROVINCE OF ONTARIO, CANADA.

*Railway Subsidy Fund.—Certificate for payment.*

No.

This is to certify that under and by virtue of a certain Order made by the Lieutenant-Governor of the Province of Ontario in Council, and dated the

under the provisions of "The Railway Aid Act, 1878," the Railway Company is entitled to receive from the Province of Ontario, a semi-annual subsidy of \_\_\_\_\_ dollars, payable on the thirtieth day of June, and on the thirty-first day of December, in each and every year, until and inclusive of the thirty-first day of December, one thousand eight hundred and \_\_\_\_\_

, and it is hereby further certified that the Province of Ontario will, upon the \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_, and upon the delivery of this certificate to the Treasurer of the said Province at Toronto, pay to the said Company or its Assigns, the sum of \_\_\_\_\_ dollars, and \_\_\_\_\_ cents, being the amount of subsidy payable to the said Company upon such day. This certificate and any interest in the sum mentioned therein shall not pass or be transferable except by transfer made by special endorsement hereon.

Issued by the Treasurer of Ontario, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18 \_\_\_\_\_, in accordance with Order in Council dated \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18 \_\_\_\_\_.

*Treasurer.**Accountant.*

Countersigned by

*Auditor.*



3rd Session, 3rd Parliament, 41 Vic, 1878.

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BILL.

An Act respecting aid to certain Railways

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First Reading, 5th March, 1878.

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Hon. Mr. PARDEE.

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TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and seventy-eight, and for other purposes therein mentioned.

MOST GRACIOUS SOVEREIGN :—

WHEREAS it appears by Messages from His Honour the Preamble.  
Honourable Donald Alexander Macdonald, Lieutenant-Governor of Ontario, and the Estimates accompanying the same, that the sums hereinafter mentioned in the Schedule to  
5 this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes, for the year one thousand eight hundred and seventy-eight; may it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's  
10 Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not  
15 exceeding in the whole) of Two million five hundred and ninety-five thousand and fifty-nine dollars and one cent, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and seventy-eight, as set forth in Schedule "A"  
20 to this Act. \$2,595,059.01 granted out of the Consolidated Revenue Fund for certain purposes.

2. Out of the estate of the late Andrew Mercer, deceased, which has escheated to the Crown, for the benefit of the Province, the sum of five thousand dollars shall and may be applied to the payment of the *bona fide* debts of Andrew  
25 Mercer the younger, the natural son of the said Andrew Mercer; and, subject thereto, the residue of the said sum of five thousand dollars shall and may be paid to the said Andrew Mercer the younger, and that a sufficient further sum shall and may be applied to complete the purchase of certain lots in  
30 the Township of Etobicoke, containing one hundred and fifty acres, in respect of which the late Andrew Mercer entered into a verbal agreement, and which he intended for the said Andrew Mercer the younger; and such lots shall be conveyed to trustees for the benefit of the said Andrew Mercer the younger and  
35 his family, with all usual trusts and conditions in that behalf, to be settled by the Attorney General; and that the further sum of fifteen thousand dollars in stocks or securities be transferred to the trustees on like trusts; or that, in lieu of the said one hundred and fifty acres of land, at the option of the  
40 said Andrew Mercer the younger, the further sum of ten

thousand dollars in stocks or securities shall and may be transferred to the trustees in manner and on the trusts and conditions aforesaid.

3. Out of the residue of the said estate of the late Andrew Mercer, deceased, the sum of ten thousand dollars shall and may be applied towards the erection of a Provincial Eye and Ear Infirmary in connection with the Toronto General Hospital, to be called "The Andrew Mercer Eye and Ear Infirmary," and the further sum of ninety thousand dollars shall and may be applied to the erection of a Reformatory Institution at Toronto, to be called "The Andrew Mercer Ontario Reformatory for Females."

Accounts to be  
laid before the  
Legislature.

4. Accounts in detail of all moneys received on account of this Province, and of all expenditures under this Act, shall be laid before the Legislative Assembly at its next sitting. 15

Unexpended  
moneys.

5. Any part of the money appropriated by this Act out of the Consolidated Revenue which may be unexpended on the thirty-first day of December, one thousand eight hundred and seventy-eight, shall not be expended thereafter.

Expenditure  
to be account-  
ed to Her Ma-  
jesty.

6. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty. 20

#### SCHEDULE "A."

SUMS granted to Her Majesty by this Act for the year one thousand eight hundred and seventy-eight, and the purposes for which they are granted.

#### CIVIL GOVERNMENT.

*To defray the expenses of Salaries and Contingencies for the several Departments at Toronto :*

Government House .....	\$5,580 00	
Lieutenant-Governor's Office .....	3,350 00	
Executive Council and Attorney-General's Office....	14,980 00	
Treasury Department .....	16,600 00	
Secretary and Registrar's Office.....	26,025 00	
Department of Public Works. ....	20,172 00	
"    " Agriculture .....	1,200 00	
"    " Immigration.....	1,400 00	
Inspection of Public Institutions.....	7,350 00	
Crown Lands Department .....	52,280 00	
Miscellaneous .....	9,960 00	
		\$158,897 00

#### LEGISLATION.

To defray expenses for Legislation..... 131,350 00

#### ADMINISTRATION OF JUSTICE

To defray expenses of :—

Court of Chancery.....	\$20,345 00
Court of Queen's Bench .....	9,520 00
Court of Common Pleas .....	5,360 00

Superior Judges and Court of Appeal.....	15,810 00	
Practice and other Courts .....	4,900 00	
Criminal Justice ..	180,200 00	
Miscellaneous Justice .....	59,025 00	
		295,160 00

## EDUCATION

To defray expenses of:—

Public and Separate Schools.....	\$240,000 00	
Inspection of Public and Separate Schools.....	28,850 00	
Schools in New and Poor Townships .....	12,000 00	
Collegiate Institutes and High Schools..	78,800 00	
Inspection of Collegiate and High Schools .....	7,800 00	
Departmental Examinations .....	12,400 00	
Training of Public School Teachers .....	19,250 00	
Superannuated High and Public School Teachers.....	35,200 00	
Normal and Model Schools (Toronto), Salaries and Contingencies.....	22,950 00	
Normal School, Ottawa.....	11,700 00	
Provincial Educational Museum and Library.....	3,455 00	
Maps, Apparatus, &c. ....	35,000 00	
Educational Depository, Salaries and Contingencies...	9,335 00	
Education Office .....	21,975 00	
Miscellaneous Expenses of Education.....	8,500 00	
		547,215 00

## PUBLIC INSTITUTIONS—MAINTENANCE

To defray expenses of:—

Asylum for the Insane, Toronto.....	\$88,090 00	
Asylum for the Insane, London.....	97,830 00	
Asylum for the Insane, Kingston.....	60,852 00	
Asylum for the Insane, Hamilton..	34,649 00	
Asylum for the Insane, Orillia.....	22,516 00	
Provincial Reformatory, Penetanguishene.....	26,720 00	
Central Prison, Toronto.....	86,115 00	
Institution for the Deaf and Dumb, Belleville.....	37,859 00	
Institution for the Blind, Brantford.....	28,015 00	
School of Agriculture, Guelph.....	21,970 00	
School of Practical Science, Toronto.....	2,680 00	
		507,296 00

## IMMIGRATION

To defray expenses of:—

Agencies in Europe....	\$7,800 00	
Agencies in Canada .....	2,400 00	
Dominion Government for services by its Agents....	9,500 00	
Carriage of Immigrants in Ontario, including Maintenance... ..	5,000 00	
Provisions for same, including Medical attendance .....	5,500 00	
Assistance money, by way of payment, in reduction of passage money to selected Immigrants, specially consigned to Ontario.....	6,000 00	
Inspection.....	500 00	
Contingencies .....	900 00	
		37,500 00

## AGRICULTURE, ARTS, LITERARY AND SCIENTIFIC INSTITUTIONS.

To defray expenses of a grant in aid of:—

Electoral Division Societies, 81 at \$700 .....	\$56,700 00	
Electoral Division Society, 1 at 550 .....	550 00	
Electoral Division Societies, 6 at 350 .....	2,100 00	
do do outlying Districts .....	300 00	



Fruit Growers' Association .....	1,000 00
Entomological Society ... ..	750 00
Dairymen's Association .....	2,000 00
Agricultural Association .....	10,000 00
Statistical Bureau .....	1,000 00
Poultry Associations .....	600 00
For sundry services in connection with Agriculture and Arts, such as investigation of diseases in animals and crops, and of ravages of insects; and for agri- cultural instruction, dairy products, and other charges not otherwise provided for .....	2,000 00

## ARTS :

Mechanics' Institutes .....	23,000 00
Art Union, Toronto .....	500 00
School of Art and Design, Toronto .....	1,100 00
“ “ “ London .....	500 00

## LITERARY :

Canadian Institute, Toronto .....	750 00
Institut Canadien, Ottawa .....	300 00
Athenæum, Ottawa .....	300 00

## SCIENTIFIC :

To promote scientific research .....	500 00
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\$103,950 00

## HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of:—

Hospitals and Institutions mentioned in Schedule A of Statute, 37 Vic. chap. 33 .....	\$43,259 39
Institutions in Schedule B .....	14,776 24
Institutions in Schedule C .....	12,637 56

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70,673 19

## MISCELLANEOUS EXPENDITURE.

To defray the expenses in connection with Miscel-  
laneous Expenditure as follows:—

License Law .....	\$8,000 00
Collection of revenue for law stamps and licenses .....	1,500 00
Municipalities and other funds .....	500 00
Settlement of Municipal Loan Fund .....	200 00
Settlement <i>re</i> Ontario and Quebec .....	4,000 00
Settlement <i>re</i> Northern and Western Boundaries .....	4,000 00
International Exhibitions .....	1,400 00
Marriage Licenses .....	200 00
Inspection of Railways .....	500 00
Ontario Rifle Association .....	600 00
Insurance of Public Buildings and Furniture .....	11,315 00
Consolidation of Statute Law .....	5,600 00
Expenses of Elections .....	2,000 00
Expenses of Contested Elections .....	3,000 00
Revision Voters' Lists .....	1,000 00
Gratuities .....	8,020 00
Allowance to late Superintendent of Education .....	4,000 00
Allowance to Counties under provisions of 30 Vic. c. 31.	14,232 50
Law Society, claims for water and gas—subject to in- vestigation .....	3,000 00
John Meek, claims for services at Malden and London Asylums .....	400 00
A. N. Buell, disbursements while Accountant .....	800 00

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\$74,267 50

## PUBLIC BUILDINGS.

To defray expenses at the works at the Asylum for the		
Insane, Toronto .....	\$12,887	40
Asylum for the Insane, London.....	67,605	30
“ “ “ Hamilton .....	105,356	00
“ “ “ Kingston .....	39,095	64
“ “ “ Orillia .....	10,485	28
Reformatory, Penetanguishene.....	8,000	00
Central Prison, Toronto .....	8,755	50
Deaf and Dumb Institute, Belleville .....	17,831	44
Blind Institute, Brantford.....	23,220	00
School of Agriculture, Guelph .....	14,500	00
Normal School and Education Office, Toronto.....	3,000	00
Normal School, Ottawa.....	2,000	00
Osgoode Hall, Toronto .....	3,000	00
Government House, Toronto.....	4,000	00
Parliament Buildings.....	2,500	00
District of Algoma.....	8,500	00
Thunder Bay District .....	2,000	00
Nipissing District .....	200	00
Muskoka District .....	3,200	00
Parry Sound District.....	3,200	00
	<hr/>	\$339,336 56

## PUBLIC WORKS.

To defray the expenses at the Works at Muskoka		
River.....	8,100	00
Mary's and Fairies Lake.....	2,200	00
Gull and Burnt Rivers.....	9,000	00
Surveys, Inspections and Arbitrations .....	11,000	00
Locks, Dams and Swing Bridges.....	2,000	00
To defray the expense of Lock-master and Bridge-		
tender's Salaries .....	1,700	00
	<hr/>	34,000 00

## COLONIZATION ROADS.

To defray the expenses of Construction and Repairs	85,700 00
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## CROWN LANDS' EXPENDITURE.

To defray expenses on expenditure on account of	
Crown Lands.....	89,000 00

## REFUNDS.

To defray the expenses of:—		
Education.....	1,000	00
Crown Lands.....	23,000	00
Municipalities' Fund. ....	29,972	46
Land Improvement Fund.....	16,741	30
	<hr/>	70,713 76

## UNFORESEEN AND UNPROVIDED.

To meet unforeseen and unprovided.....	50,000 00
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Total Estimate for 1878.....	\$2,595,059 01

BILL.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and seventy-eight, and for other purposes therein mentioned.

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First Reading, 6th March, 1878.

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Hon. Mr. Wood.

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TORONTO:

PRINTED BY HUNTER, ROSE & CO.

[No. 117.]

## BILL.

[1878.]

### An Act respecting Bridges in Villages.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The councils of every county and incorporated village may pass by-laws for carrying out any arrangement between them for the assumption by the village municipality of any bridge within its limits under the jurisdiction of the county council, and for such bridge being toll free ; and for the payment by the village municipality to the county municipality of any part of the cost of the construction of such bridge ; and after the passing of such by-laws the bridge shall be and remain under the exclusive jurisdiction of the village municipality ; and the village municipality shall be subject to all the liabilities in the premises, which but for the transfer would have devolved on the county municipality ; and the bridge shall be and remain toll free.
- By-laws as to bridges in Villages.



3rd Session, 3rd Parliament, 41 Vic., 1878.

BILL.

An Act respecting Bridges in Villages.

First Reading, 4th March, 1878.

Second " " 1878.

Hon. Atty.-Genl. MOWAT.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.









